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ABBREVIATIONS

AJCL	*American Journal of Comparative Law*
BBACS	*Bulletin of the British Association for Chinese Studies.*
BARL	*Bulletin des Amis du Royaume Lao*
BEFEO	*Bulletin de l'Ecole Française d'Extrême Orient*
BLIJ	*Burma Law Institute Journal*
IIJ	*Indo-Iranian Journal*
JA	*Journal Asiatique*
JAOS	*Journal of the American Oriental Society*
JIAEA	*Journal of the Indian Archipelago and Eastern Asia*
JPTS	*Journal of the Pali Text Society*
JSEAS	*Journal of Southeast Asian Studies*
JSS	*Journal of the Siam Society*
MJT	*Mikkyō Jiten*
PTS	Pali Text Society
ROB	Than Tun, *The Royal Orders of Burma A.D. 1598–1885*, Tokyo, vols. 1–7, 1984–1987.
SBB	Sacred Books of the Buddhists
SBE	Sacred Books of the East
T	Taishō Tripiṭaka

INTRODUCTION

The Buddhist Forum is a seminar series held at SOAS on various aspects of Buddhism: its history, philosophy, religion, philology, art and architecture. The seminars were initiated in 1987 and it is hoped that they will continue to be held in the future; they are usually convened on the second Wednesday of every month during term time and they remain open to anyone who has an interest in Buddhism. The primary intention of these seminars is to bring together people who are interested in different aspects of Buddhism in order to provide a forum for the presentation of new research and for the exchange of opinions and ideas. Individuals are invited to present papers in their particular field of interest, to be discussed by the seminar participants. Contributors are especially encouraged to offer papers on subjects which they are currently studying and which may yield new information, or an original approach or interpretation.

The present volume represents a collection of papers delivered at the Buddhist Forum during the academic year 1987–88. Certain adjustments for publication have had to be made, because some papers were not delivered in written form, and also because in the first instance, there was no clearly conceived intention to produce them in published form.

The two contributions by Professor Gombrich were presented at one seminar. Their topics are different but they do have a common theme, which focuses on the original message of the Buddha and the function of the Saṅgha. The paper on the primitive message of the founder of Buddhism attempts to demonstrate the need to take into consideration a number of important factors which are essential for the understanding and interpretation of the Buddha's message. One such factor, which is dealt with in some detail, is the need to place the Buddha's discourses in the context of the intellectual and cultural milieu within which he taught. It is evident from Professor Gombrich's persuasive arguments that in order to understand fully some of the intricate nuances and subtleties of the Buddha's teachings, one must take into consideration the doctrinal and social elements of the Brahmanic tradition with which Buddhism co-existed and interacted in the sphere of philosophical and religious ideas.

The paper on the origin of the Mahāyāna puts forward an intriguing hypothesis that the beginnings of Mahāyāna were largely owed to the advent of writing. One of the main arguments in favour of this hypothesis is that once the Buddha's discourses were recorded in written form, it became fairly difficult to exercise close control over the content of Buddhist scriptures which till then had been passed on as an oral tradition entrusted to the members of the Saṅgha, who used to recite

them in chorus. From the time writing began to be employed, it became relatively easy for individuals or a group of people to produce written works and to deposit or circulate them without seeking the Saṇgha's consent with regard to their canonicity or doctrinal content.

The paper on Pāli philology and the study of Buddhism by K.R. Norman deals with some essential issues which are of crucial importance in order to produce satisfactory critical editions of Pāli texts. After many years of working in the field of Pāli studies, Mr Norman's past and present experience enables him to evaluate the state of the already edited Pāli texts and to point out salient factors which must be taken into consideration in order to advance our knowledge of Pāli literature along correct lines, and, in particular, to produce critical editions of texts which are often, perhaps mistakengly, taken as having been properly edited and translated.

The paper presented by Andrew Huxley surveys the legal literature of the Buddhist countries of Southeast Asia. Sri Lanka is not included, one of the reasons being that the Sinhalese tradition did not produce legal literature on a scale comparable to other countries that follow Theravāda Buddhism. This is an extensive and quite detailed piece of research which attempts to outline the gradual formation of legal literature and to establish to what extent its inner flavour was inspired or influenced by Buddhist concepts of society and ethics. The survey includes all the countries of mainland Southeast Asia except Vietnam, which is not dealt with because it possesses a unique and separate legal system developed through protracted contacts with China.

The two papers by Professor Barrett deal with two different aspects of Buddhist tradition in China. The first, on the patriarchs, addresses the question of who the patriarchs were and why they were held in such a great esteem. The question is answered within the cultural and intellectual context of Chinese thought at the time when the lineage of the patriarchs came into existence. The second paper, on the weeping pilgrims, deals with some emotional and spiritual experiences and the intellectual attitudes of certain famous Chinese Buddhist pilgrims. This paper, like the first, examines some of the characteristics peculiar to Chinese spiritual perceptions.

In the spring of 1987 Ian Astley-Kristensen completed a doctoral thesis under the general patronage of the University of Leeds. The title of his dissertation was "The Rishukyō: A Translation and Commentary in the Light of Modern Japanese (Post-Meiji) Scholarship." The material presented in his seminar paper is based on his long research into the tantric tradition established in Japan. The central focus is on teachings related to Vajrasattva as found in one of the subsidiary *maṇḍalas* called the Naya Assembly belonging to the Vajradhātumaṇḍala. His presentation is rooted in the scriptural sources and it unveils some important aspects of Vajrasattva.

Taken together, these papers might not at first appear to have much in common. They range from Mr. Norman's observations derived from many years of scholarly editing and translation to Professor Barrett's much more narrowly conceived

treatments of specific points; from Professor Gombrich's masterly reinterpretations of sources already familiar to Mr Huxley's preliminary explorations of a literature still not widely known. But, despite the iconographic overtones of Dr Astley's contribution, all the papers are dealing primarily with textual materials rather than iconography; nor is Buddhism being observed here as a living religion in action—at least not in any way familiar to the anthropologist. It is perhaps a fair criticism of Buddhist studies as carried out in the West that they have in the past tended to reduce Buddhism to a mere textual object, but the papers collected here show equally that the role of texts within the Buddhist tradition is both inescapable and problematic in ways which all students of Buddhism must acknowledge.

Thus Professor Gombrich's opening paper suggests that if one reads early Buddhist texts without the proper background knowledge one is liable to misread them: they often cannot 'make sense' unless understood as reflections of a far wider intellectual and literary environment than that encompassed by the specifically Buddhist heritage. His second paper, by contrast, might almost be taken to argue the converse for early Mahāyāna Buddhist literature: that the texts represent no more than themselves. In fact recent scholarship has brought into question the existence of early Mahāyāna 'schools' as large scale divisions within the Buddhist community; Gombrich explains the illusion of 'schools' from the very real existence of texts which, with the onset of literacy, allowed ways of thinking which had no means of perpetuating themselves in organized traditions of adherents to persist, and with time perhaps to make converts scarcely present at the start. Taken together these two papers, from their very different perspectives, show just how misleading a narrow approach to Buddhist literature can be.

On the other hand, Mr Norman's remarks show equally forcefully that no reading of Buddhist texts can be too careful over matters of philological detail. It is not simply that the available texts are far less correct than many would like to assume because very little of the editorial work which must always be applied to works of antiquity transmitted by a variety of paths to our own times has in fact been carried out on Buddhist sources. There has been a tendency to assume that behind the evidence we have before us there stood for each Buddhist text a lost original. Yet there is in the case of Buddhism no reason why the same body of discourse should not have circulated from the very beginning in different dialects or languages. At the very least in the materials available today we can find plenty of traces of earlier shifts from one linguistic medium to another, with inevitable consequences, such as the non-transferability of puns, and its affect on the meaning of the texts.

If these papers pose quite bluntly some of the many problems raised for modern scholars by the early Indian literature of Buddhism, the remainder show that the textual manifestations of the Buddhist tradition gave rise to problems of different sorts throughout Asia during the intervening centuries. Mr Huxley's investigations of the legal literature of Buddhist Southeast Asia, for example, shows how an empirical attempt at surveying this area raises theoretical problems as to the way in which the Buddhist tradition may be taken as defining these much later textual products.

In bibliographic terms, the emergence of texts on law appears to be the result of highly regionalized developments. In what sense are they all Buddhist?

But if the Southeast Asian case raises questions about the influence of the example of the Buddhist canon in an area without pre-existing indigenous written traditions, the papers on East Asia demonstrate clearly some of the ramifications of the introduction of Buddhist texts into a world already furnished with a highly distinctive literary culture of long standing. Professor Barrett's first contribution shows that the translation of ever-increasing amounts of Buddhist literature were even felt from the Chinese point of view to exacerbate their own problems of understanding, and how it was only by postulating a non-literary form of tradition that the Chinese were able to ameliorate their situation. His second paper suggests that Chinese Buddhists were sometimes so much at the mercy of an indigenous conception of the function of literature as a legacy of the past that it affected their descriptions of even purely Buddhist experiences, further underlining the importance of the wider Chinese cultural context to an appreciation of Chinese Buddhist sources.

Dr Astley's paper presents us with a portion of an important text of East Asian Buddhism, as it is interpreted in Japan today. His intimate knowledge of the living tradition of Japanese Buddhist scholarship allows us to judge how the text he studied is read there today, and how this differs from the type of approach current among Western scholars. We should remember that most important Buddhist scriptures circulating in East Asia were, and still remain, the focus of vigorous and elaborate traditions of interpretation scarcely touched by Western translators.

In short, then, although none of the participants in the Buddhist Forum was asked to address a common theme, or even to produce material designed for publication, this collection does provide a broad cross-section of British scholarship in Buddhist Studies today and, in particular, shows that Buddhism is not for us simply a textual object. Many of us work with textual materials, it is true, but we are in our different ways alive to the problems involved in this approach. Indeed, anyone wishing to explore the interaction of text and tradition in Buddhism will surely find much to stimulate their thinking in the collection of papers gathered here.

Finally, words of acknowledgment and gratitude are due to the School of Oriental and African Studies for accepting responsibility for the cost and distribution of the present publication; in particular to the Publication Committee for accepting the papers for publication, and to Mr M. Daly and Miss D. Matias for their professional help in administrative and editorial matters.

RECOVERING THE BUDDHA'S MESSAGE

R.F. Gombrich

When Professor Schmithausen was so kind as to invite me to participate in his panel[1] on "the earliest Buddhism" and I accepted, I had to prepare a paper for discussion without being clear what my fellow-participants would assume that "earliest Buddhism" to be. In the nineteenth century, not all European scholars were even prepared to accept that such a historical person as Gotama the Buddha had ever existed; and though such an extremity of scepticism now seems absurd, many scholars since have been prepared to argue either that we no longer have the Buddha's authentic teachings or that we have only a very few, the rest of the purported teachings being garbled or distorted by the later tradition. Since I believe that in order to make sense to an audience one needs to begin from its assumptions—the crucial point in part two of my paper below—this uncertainty was a handicap. On reading the papers of my colleagues, I realized that, like me, they all (except Professor Aramaki?) assumed that the main body of soteriological teaching found in the Pāli Canon does go back to the Buddha himself. The main thrust of recent work by Professors Schmithausen, Vetter and Bronkhorst in this area, as I understand it, has been to argue that there are inconsistencies in the earliest textual material, and that from these inconsistencies we can deduce a chronological development in the teachings, but that this development may well have taken place within the Buddha's own lifetime and preaching career. On the other hand, the fact that the fundamental Buddhist teachings can be ascribed to the Buddha himself was more assumed than argued for by my colleagues, whereas I made some attempt to reconstruct how the scriptural texts came into being. It seems to me that if my reconstruction is anything like correct, it raises problems for the method of arguing from alleged inconsistencies and makes it unlikely that we can in fact ever discover what the Buddha preached first and what later. Accordingly, when I spoke on the panel I made little use of my prepared script and preferred to use my time to address the latter issues. It is obvious that the positions taken by some of us are incompatible; one can either politely ignore the fact (and leave the audience to make up its own mind) or try to address the issues and hope to progress by argument. Though the latter course is unusual in such intellectual backwaters as Indology and Buddhist studies, I ventured to take it at the conference. By the same token, I have for publication revised the first part of my paper along the lines on

[1] At the 7th World Sanskrit Conference, held in Leiden, August 1987. The editor of the present publication wishes to express his gratitude to E.J. Brill for permission to reproduce here Professor Gombrich's paper, originally submitted for publication in a volume edited by Professor Lambert Schmithausen and entitled *Studies in Earliest Buddhism and Madhyamaka* (forthcoming).

which I spoke while omitting criticisms of specific points. The second part of the paper is very little altered from the conference version.

I.

We agree, then, that "the earliest Buddhism" is that of the Buddha himself. Unless a certain individual had propounded a doctrine that many found intellectually compelling and emotionally satisfying, and unless he had deliberately organized his following, there would now be no *Dhamma* and no *Saṅgha*. There could have been a *Dhamma* without a *Saṅgha*, but in that case Buddhism would have had no history. The function of the *Saṅgha* as an institution was twofold: to provide an institutional framework in which men and women could devote themselves to the quest for salvation (*nirvāṇa*), and to preserve the Buddha's teaching. In an age without books, the latter function can have been no minor matter. World history can, I believe, offer hardly any parallels to the creation and preservation of so large a body of texts as the Buddhist Canon. I have argued elsewhere[2] that that Buddhists may have realized that it was possible because of the example before them of the brahmin preservation of Vedic literature, achieved by dint of a system of extraordinarily long and tedious compulsory education for brahmin boys.

None of the other religious leaders contemporary with the Buddha seem to have achieved such preservation of their teachings, and this may well reflect the fact that they did not organize settled religious communities like the Buddhist monasteries. I believe the Digambara Jaina tradition that their own canon was wholly lost, for I cannot see why such a story should arise if it were not true, whereas the temptation to claim the highest antiquity and authority for one's scriptures is obvious. In any case, all Jains agree that many of their canonical texts were lost at an early stage. The Buddhists were aware of the contrast between themselves and the Jains. The *Saṅgīti-suttanta*[3] begins by recounting that at the death of Nigaṇṭha Nātaputta his followers disagreed about what he had said. The same passage occurs at two other points in the Pāli Canon; but it makes good sense in this context, for it is the occasion for rehearsing a long summary of the Buddha's teaching in the form of mnemonic lists. The text says that the rehearsal was led by Sāriputta, in the Buddha's lifetime. Whether the text records a historical incident we shall probably never know. But that is not my point. I would argue that unless we posit that such episodes took place not merely after the Buddha's death but as soon as the *Saṅgha* had reached a size and geographic spread which precluded frequent meetings with the Buddha, it is not possible to conceive how the teachings were preserved or texts were composed. By similar reasoning, something like the first *saṅgāyanā* (communal recitation) must have taken place, otherwise there would simply be no corpus of scriptures. Details such as the precise time and place of the event are irrelevant to this consideration.

The Buddhists had to emulate the brahmins by preserving a large body of texts, but since membership of the *Saṅgha* was not ascribed at birth but achieved much later, usually in adulthood, they could not imitate the years of compulsory

[2] "How the Mahāyāna began", *Journal of Pāli and Buddhist Studies* I, Nagoya, March 1988, 29–46. This article is included in the present publication as part of Professor Gombrich's seminar presentation.

[3] *Dīgha-nikāya*, *sutta* XXXIII.

education. To preserve orally the basic Buddhist texts—by which I mean something like the *Vinaya* minus the *Parivāra*, the four *Nikāyas* of prose sermons and the poetry of the *Khuddaka-nikāya*—must have required a vast amount of sustained and highly organized effort. Though there is evidence that extraordinary feats of memory are possible for individuals, whether or not they live in pre-literate civilizations,[4] these Buddhist texts amount to hundreds of thousands of lines, so much that only a very few individuals of exceptional mnemonic gifts can ever have mastered the lot. We know that in Ceylon monks (and presumably nuns) specialized in a specific collection of texts, and the logic of the situation suggests that this must have been so from the outset.

This must have implications for textual criticism. Segments of texts (sometimes called pericopes) are preserved in different contexts, but it may not be possible to deduce from this that one passage is earlier than another, let alone which comes first. For instance, most of the *Mahāparinibbāna-sutta* occurs elsewhere in the Pāli Canon, but that only shows that what the memorizers of the *Dīgha-nikāya* kept as a single text was preserved piecemeal by other groups. This is by no means to deny that one can occasionally show that a piece of text must have started in one context from which it was then transferred to another; but each such piece of evidence has to be teased out separately, and such demonstrations are still very few.[5]

No one was in a position to record or reproduce the Buddha's sermons as he uttered them. The texts preserved did not just drop from his lips; they must be products of deliberate composition—in fact, they were composed to be memorized. This inevitably introduces a certain formalization: such features as versification, numbered lists, repetition and stock formulae are all aids to memory. Vedic literature includes texts which display all these features. Early brahminical literature also includes prose texts, the *sūtras*, which were orally preserved and followed a different strategy: instead of redundancy, they aim for extreme brevity. There are however no early Buddhist texts in the *sūtra* style. A *sūtra* is so composed that it cannot be understood without exegesis. The Buddhist texts, by contrast, apparently aim to be self-explanatory.

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[4] See Ulric Neisser, ed., *Memory Observed: Remembering in Natural Contexts*, San Francisco, 1982, especially parts V and VII. On the topic "Literacy and Memory" Neisser writes, page 241: "Illiteracy cannot improve memory any more than my lack of wings improves my speed afoot. And while it would be logically possible to argue that literacy and schooling make memory worse, the fact of the matter is that they don't. On the contrary: cross-cultural studies have generally found a positive relation between schooling and memory." On the other hand, he goes on, "particular abilities can be nourished by particular cultural institutions". Bards performing oral poetry are one such institution; the Saṅgha memorizing Buddhist texts could well be another.

[5] Some notable efforts in this direction were made by Jean Przyluski in his huge four-part article "Le Parinirvāṇa et les funerailles du Buddha". Many of his arguments now seem far-fetched and some of his statements have even been shown to be factually inaccurate; but I remain impressed by his analysis of the third chapter (*bhāṇavāra*) of the *Mahāparinibbāna-sutta* in the second part of the article, *JA*, Xléme série, XII, 1918, 401–56. For a case study on a far more modest scale, see my "Three souls, one or none: the vagaries of a Pāli pericope", *JPTS*, XI, 1987, 73–8.

Since there were religious texts being preserved in the Buddha's environment in both prose and verse, there seems to be no *a priori* ground for holding that Buddhist prose must be older than Buddhist verse or vice versa.[6] The ability to speak in verse *extempore* is not common and there is no reason to suppose that the Buddha had it; moreover, extended discourse in *extempore* verse in ancient India was generally in a rather free metre like the *anuṣṭubh*, not in the kind of lyric metres found in the *Suttanipāta*. A text which purports to reproduce an actual sermon by the Buddha is therefore likely to be in prose, and this implies no particular lapse of time after the event. As we know, many texts do purport to reproduce the Buddha's sermons. If in doing so they employ various of the conventions of oral literature, schematizing the material by the use of formulae and stock passages, this is no argument against their essential authenticity.

I turn now to consider the style of argument that attempts to discern chronological layers in the texts by finding inconsistencies in them. Before criticizing this approach, I must make it clear that I am in no way committed to assuming *a priori* that the early texts do all date from the Buddha's lifetime or to denying that stratification is possible. My wish is merely to expose what I see as faulty argumentation. I also think it sound method to accept tradition until we are shown sufficient reason to reject it.

The method of analysing Buddhist arguments with a view to establishing their coherence and development is I think largely inherited from the late Professor Frauwallner. I have the greatest admiration for his work and think that it has yielded many valid and interesting results. However, we must remember that most of that work was applied to philosophical texts which were undoubtedly written and read. I must begin my criticism by reiterating in the strongest terms that the kind of analysis which can dissect a *written* philosophical tradition is inappropriate for oral materials. As I have shown, the texts preserving "the Buddha's word" are not authored in the same sense as a written text. While it is perfectly possible that some of the texts (perhaps some poetry?) were composed by the Buddha himself, we cannot know this with any certainty, and almost all the texts are, strictly speaking, anonymous compositions. The one important exception to this may be the *Thera-* and *Therī-gāthās*, which may be by the individual monks and nuns whom tradition holds to have been the authors.

There is however a principle that we may learn from the critical study of written texts, for its validity does not depend on the medium. This is the principle known as *difficilior potior*, that it is the more difficult reading which is to be preferred. Colleagues have written on the assumption that the Buddha, since he was a great thinker, must have been consistent, so that inconsistencies must have been introduced later by the less intelligent men who followed him. But that is the reverse of how we should normally look at it. A tradition, whether scribal or oral,

[6] Similarly, while versifiers differ in their ability, I can see no *a priori* ground for supposing that a poem which is metrically strict must be older or younger than one which employs metrical licence. Naturally this is not to deny that some metres were invented earlier than others.

always tends to *iron out* inconsistencies; when in any doubt, it goes for the obvious. It is this tendency to which *difficilior potior* refers. If our texts preserve something awkward, it is most unlikely to have been introduced by later generations of Buddhists who had been taught to accept the generally neat and uniform doctrine expounded in the commentaries.

The Buddha preached for many years—tradition says, for forty-five. Teachers, unless they are exceptionally stupid, change both their opinions and their way of putting things. That the Buddha varied his way of putting things according to what audience he was addressing is indeed a commonplace of the Buddhist tradition, which attributes to him supreme "skill in means"; but that tradition would baulk at the idea that he ever changed his mind. However, I am not committed to the tradition; nor do the two kinds of change, in meaning and expression, necessarily show results which the observer can distinguish. It is mainly writing that freezes our past insights for us and so gives our *oeuvre* a certain consistency; even so, I suspect that there can be few university teachers today who have not had the experience of re-reading something they had written long ago and finding it unfamiliar. (Which is more depressing: to find that what we once wrote now seems all wrong, or to find that it contains facts we have forgotten and bright ideas we can no longer remember having thought of?) Thus, as hard-headed historians we cannot think that over 45 years the Buddha could have been entirely consistent—and especially when we take into account that he could not read over or play back what he had said. If the texts have any valid claim to be the record of so long a preaching career, they cannot be wholly consistent. Indeed, the boot is on the other foot: the texts are too consistent to be a wholly credible record. It is obvious that literary convention and human forgetfulness have contributed to the tendency recalled in my previous paragraph so as to iron out many of the inconsistencies of both message and expression which must have occurred.

To avoid any possible misunderstanding, let me add that naturally I am not suggesting that the Buddha's teaching was incoherent. Had that been so, there would have been few converts and no enduring tradition. There is considerable agreement in the canonical texts themselves and the commentaries on those texts about the central features of the Buddha's message; and Mr Norman seems to me to give an excellent account of them in his paper for this volume.[7]

Despite this, some of my learned colleagues have called the texts as witnesses into the dock, and declared after cross-examination that their testimony leaves much to be desired. Do the texts claim that there are Four Noble Truths? But our logic tells us that the third is a corollary of the second, so there should only be Three. Worse, it is alleged that the very accounts of the Buddha's enlightenment are inconsistent. For example, he or his followers could apparently not make up their minds whether the crucial step is to get rid of all moral defilements or to know that one has done so. Many similar failings are alleged, each scholar selecting

[7] Professor Gombrich is referring here to Mr Norman's paper included in the volume edited by Professor Schmithausen.

his own and accordingly devising a different line of development for early Buddhism.

But what are we discussing here? The description of religious experience is notoriously difficult. There is good reason for this difficulty. Since language is an instrument of social communication, all private experiences tend to elude linguistic expression, as we know from our visits to the doctor. For linguistic communication, we depend on shared experience: the doctor will with luck be able to deduce from our account of where and how it hurts what is wrong with us, because of similar previous attempts at description which he has read or encountered in his practice. But if our pain is unique in his experience, we are unlikely to be able to make him understand. To describe our emotions or aesthetic feelings we resort to the conventions offered by our culture but generally feel dissatisfied by their inadequacy: common words cannot convey our singularity.

Following an overwhelming experience, the Buddha tried to describe it, in order to recommend it to others. He felt that it was new, at least in his time, so that he had no past descriptions to help him out; indeed, tradition records that he was reluctant to preach because he doubted whether anyone would accept his account.[8] Surely one would expect a highly intelligent and articulate person not to be content with one kind of description of his experience but to approach it from many angles and points of view. In particular, since his experience was felt to be an awareness, he would be bound to speak of it both in subjective, experiential terms, and in more objective terms to convey the truth realized. (In general Sanskrit terminology, I am referring to *yoga*, the experience, and *jñāna*, the knowledge.) Followers, no doubt including some who had not had such an experience, standardized and classified the accounts of it. But they did preserve two kinds of account, experiential and gnostic, and since the Buddha evidently had a *gnostic experience* I find it odd to argue that one kind of account must be earlier or more authentic than the other.

The dual nature of gnostic experience is less intractable than the sheer impossibility of describing the kinds of states of mind nowadays generally called "altered states of consciousness". The typical reaction to having such an experience has been to say that it is beyond words and to describe it, if at all, in highly figurative language. Nevertheless, in societies in which altered states of consciousness are regularly sought and/or attained, standardized descriptions of the experience are naturally current, and people develop expectations that certain practices will lead to specific experiences. Fieldwork in Sri Lanka has convinced me that even in such a society the labelling of altered states of consciousness performs a social function but may completely falsify the experiences. Sinhala Buddhist culture defines possession, loss of normal awareness and self-control, as the polar opposite of the states achieved by the Buddhist meditator; and yet I have recorded[9] several cases in which it seems clear from circumstantial evidence that a person is experiencing a state of consciousness which is defined in completely

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[8] *Vinaya*, I, 5.
[9] R. Gombrich and Gananath Obeyesekere, *Buddhism Transformed*, Princeton, 1988.

different terms (for instance, as possession or *jhāna*) according to the institutional context and hence the cultural expectations. If the same state can be given contrasting labels, it is plausible that the same label may also be applied to very different states.

I am not claiming that the Buddha was so muddled that he could not distinguish between losing and enhancing normal awareness. But I am claiming that descriptions of meditative or spiritual experiences cannot profitably be submitted to the same kind of scrutiny as philosophical texts.

I would, however, go even further. Coherence in these matters is largely in the eye of the beholder. Few texts—taking that term in the widest sense—are up to the standards of the western lawyer or academic in their logical coherence or clarity of denotation, and by those standards most of the world's literary and religious classics are to be found wanting. The first verse of St. John's gospel informs us (in the King James version) that "the Word was with God, and the Word was God". Does this stand up to our examination? Must St. John go to the back of the class?

Surely what we do with such a passage is not to decide that it is incoherent but try to learn what coherence the Christian tradition has found in it. Yet some of my colleagues are finding inconsistencies in the canonical texts which they assert to be such without telling us how the Buddhist tradition itself regards the texts as consistent—as if that were not important. My own view is not, I repeat, that we have to accept the Buddhist tradition uncritically, but that if it interprets texts as coherent, that interpretation deserves the most serious consideration.

The above critical remarks do not mean that I think we can do no more than rehearse the Buddhist tradition. We have historical knowledge and awareness denied to the commentators, and can use them to throw light on the earliest texts. In the second half of my paper I hope to make a positive contribution by illustrating this point.

II.

Meaning is embedded in a cultural context and any message, however new, must be couched in terms the audience can understand. The speaker cannot communicate with his audience unless he shares not merely their language, in the literal sense, but most of the presuppositions reflected in their use of that language—though of course he need accept the presuppositions only provisionally. The new acquires its meaning by standing in contrast to the old; fully to understand a speaker, we need to know what he is denying. We shall never know all the assumptions in the minds of the audiences to whom the Buddha preached, but we can know a good deal, and I find that not enough use has yet been made of that knowledge.

The Buddha's message is to be understood in opposition to the other articulated ideologies of his day. The most important of these was the brahminical. Jains maintain that Mahāvīra, the Buddha's contemporary, was no great innovator but carrying on an older tradition. That may be so, but of that older tradition we have

no certain knowledge. Neither the other contemporary teachers mentioned in the Pāli texts nor, I believe, Mahāvīra, left any surviving record of their teachings, so we depend on what the Buddhist texts have to say about them. Even this, however, is quite helpful: the Buddha's view of moral causation was clearly meant to contrast with that of the other views described in the *Sāmaññaphala-sutta*[10] (whether those descriptions are historically accurate or not); and in the *Vinaya* the Buddha several times[11] defined what he meant by his middle way in contrast to the extreme asceticism of other sects. But clearly it is more illuminating to have independent evidence and then be able to see what the Buddha made of it.

Before trying to apply this principle, I must offer an observation which is certainly subjective and yet seems to me important. Again and again we find that the Buddha's references to brahmins and brahminism are humorous and satirical. Are jokes ever composed by committees? The guru is venerated in India. His words are treasured. That is not to say that later words which seem worth treasuring may not be attributed to the guru—certainly they may. But does one attribute to the guru a wide range of humorous observations, even remarks which border on flippancy? When the Buddha is recorded to have said[12] that brahmins claim to be born from the mouth of Brahmā, but don't their mothers menstruate and give birth?—then I wonder whether any monk would have dared to attribute such a remark to him unless he had actually said it.

* * *

According to the Canon, many of the Buddha's sermons were addressed to brahmins. Moreover, of those monks whose caste origins were recorded by the tradition (mainly the commentary to the *Theragāthā*), about 40% were brahmins.[13] The original *Saṅgha* did not contain a typical cross-section of the population. What religious institution does? In the early *Saṅgha* the high-caste, the wealthy and the educated—three overlapping groups then as still (in India)—were heavily over-represented. It is hardly surprising that the Buddha should have tended to speak to the educated class. They were the professional educators—as to a large extent they have been ever since.

The word *veda* has been used to refer to certain texts, but its original meaning is simply "knowledge". Another term for the *Veda*, those texts which constituted the knowledge which really counted, is *brahman*. A "*brahman* person" is a *brāhmaṇa*. The *Veda* had appeared among men through the mouths of such people, and in the Buddha's day (and long after) access to it still only lay in the same quarter. The *Veda*, embodying true knowledge, was the source of all authority; but what the *Veda* said—and indeed what it meant—one could learn only from brahmins. To deny the authority of the *Veda*, therefore, was to deny the authority of brahmins, and vice versa. This is precisely what the Buddha did.

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[10] *Dīgha-nikāya*, I, 52–59.

[11] e.g., *Vinaya*, I, 305; III, 212.

[12] *Majjhima-nikāya*, II, 148 = *Dīgha-nikāya*, III, 81–82.

[13] B.G. Gokhale, "Early Buddhism and the Brahmins", in A.K. Narain, ed., *Studies in the History of Buddhism*, Delhi, 68–80.

The fact that the Buddha gave new values to terms like *brāhmaṇa* is of course very well known. For him the true brahmin is the man who displays not the traditional, largely ascribed characteristics of the brahmin, such as pure birth, but the achieved qualities of the good Buddhist, ethical and psychological traits.[14] The brahmin by caste alone, the teacher of the *Veda*, is (jokingly) etymologized as the "non-meditator" (*ajjhāyaka*).[15] Brahmins who have memorized the three *Vedas* (*tevijja*) really know nothing:[16] it is the process of achieving Enlightenment—what the Buddha is said to have achieved in the three watches of that night—which constitutes the true "three knowledges".[17]

Some of the great modern scholars of Buddhism have said that the Buddha had no direct knowledge of Vedic texts,[18] but that is certainly wrong. The joke about how brahmins are born satirizes the *Puruṣasūkta*, the text in which brahmins are said to originate from the mouth of the cosmic Man.[19] There are similarly satirical allusions to the *Bṛhadāraṇyaka Upaniṣad*. One example is the anecdote about Brahmā's delusion that he created other beings. It occurs in the *Brahmajāla-sutta*[20] of the *Dīgha-nikāya* to explain why some people think that the world and the soul are partly eternal and partly not; but, as Rhys Davids points out in the footnote to his translation,[21] it also occurs in the *Majjhima-* and *Saṃyutta-nikāyas* and in the *Jātaka*—just what one would expect if my view of the preservation of the *Buddha-vacana* is anywhere near the truth. Brahmā is reborn (in Rhys Davids' words) "either because his span of years has passed or his merit is exhausted"; he then gets lonely and upset and longs for company. Then, "either because their span of years had passed or their merit was exhausted", other beings are reborn alongside him. *Post hoc, propter hoc*, thinks silly old Brahmā, and gets the idea that the other beings are his creation. I suppose that many who have read and even taught this passage (since it is in Warder's *Introduction to Pali*)[22] have noticed that this is just a satirical retelling of the creation myth in the *Bṛhadāraṇyaka Upaniṣad*,[23] in which Brahmā is lonely and afraid and so begets for company; but I am not aware that anyone has pointed it out in print.

However, it was not just to joke on peripheral topics that the Buddha referred to brahmin doctrines, notably as expressed in the *Bṛhadāranyaka Upaniṣad*. For many years I have tried to show in my teaching and lecturing that the Buddha presented central parts of his message, concerning *kamma* and the *tilakkhaṇa*,[24] as a set of

[14] *Suttanipāta*, verse 142 (= *Vasala-sutta*, verse 27).
[15] *Dīgha-nikāya*, III, 94.
[16] *Tevijja-sutta*, *Dīgha-nikāya*, *sutta* XIII.
[17] *Aṅguttara-nikāya*, I, 163.
[18] e.g., L. de la Vallée Poussin, *La morale bouddhique*, Paris, 1927, 12.
[19] *Ṛgveda*, X, 90, 12.
[20] *Dīgha-nikāya*, I, 17–18.
[21] T.W. Rhys Davids, trans., *Dialogues of the Buddha*, Part I, SBB, London, 1899, 31.
[22] A.K. Warder, *Introduction to Pali*, London, 1963, 198–199.
[23] *Bṛhadāraṇyaka Upaniṣad*, 1, 4, 1–3.
[24] The three hallmarks of phenomenal existence (i.e. of life in this world as we unenlightened beings experience it): impermanence, suffering, non-self.

antitheses to brahminical doctrine.[25] I shall need much more time to read and think about the texts before I can hope to expound this interpretation at full length, but in this paper I can at least indicate with a couple of illustrations the general argument.

I am by no means the first to have pointed out the importance of the *Alagaddūpama-sutta*.[26] It was Mr Norman, my teacher and fellow-contributor to the panel, who first demonstrated [27] that it contains a deliberate refutation of Yājñavalkya's teaching in the *Bṛhadāraṇyaka Upaniṣad*. Since experience has shown me that this demonstration is still not widely known, I shall take the liberty of summarizing the argument in my own words.

The sutta has two relevant passages, which I translate[28] as follows:

A. "There are six wrong views: An unwise, untrained person may think of the body, 'This is mine, this is me, this is my self'; he may think that of feelings; of perceptions; of volitions; or of what has been seen, heard, thought, cognized, reached, sought or considered by the mind. The sixth is to identify the world and self, to believe: 'At death I shall become permanent, eternal, unchanging, and so remain forever the same; and that is mine, that is me, that is my self.' A wise and well-trained person sees that all these positions are wrong, and so he is not worried about something that does not exist."[29]

B. "So give up what is not yours, and you will find that that makes you happy. What is not yours? The body, feelings, perceptions, volitions and consciousness. What do you think of this, monks? If someone were to gather the grass, sticks, branches and foliage here in Jeta's wood or burn it or use it in some other way, would you think he was gathering, burning or

[25] See also my *Theravada Buddhism: a Social History from Ancient Benares to Modern Colombo*, London, 1988. The relevant part of this book was written in 1980. It deals only with those aspects of the doctrine relevant to social history, mainly *kamma*; on that topic see further my "Notes on the brahmanical background to Buddhist ethics", in Gatare Dhammapala et al., eds., *Buddhist Studies in Honour of Hammalawa Saddhātissa*, Nugegoda, Sri Lanka, 1984, 91–101.

[26] *Majjhima-nikāya*, sutta XXII. See especially Kamaleswar Bhattacharya, "*Diṭṭhaṃ, Sutaṃ, Mataṃ, Viññātaṃ*", in Somaratna Balasooriya et al., ed., *Buddhist Studies in Honour of Walpola Rahula*, London and Sri Lanka, 1980, 10–15, and references there cited. Bhattacharya's article deals with my passage A. He does not translate it, but he glosses it: "All these theories are false because they make of the Ātman an 'object', while the Ātman, the Absolute, the Being in itself, can never be an object." I can see no support in the text for this interpretation.

[27] K.R. Norman, "A note on Attā in the *Alagaddūpama Sutta*", *Studies in Indian Philosophy: a Memorial Volume in honour of Pandit Sukhlalji Sanghvi*, LD series 84, Ahmedabad, 1981, 19–29.

[28] In both extracts my translation eliminates repetitions.

[29] *Majjhima-nikāya*, I, 135–36.

> using you? 'No, sir.' And why not? Because it is not your self and has nothing to do with your self."[30]

Norman has shown that passage B, in the light of passage A, must be understood as a satirical allusion to the identification of the world and the self—the identification which constitutes the most famous doctrine propounded in the *Bṛhadāraṇyaka* and *Chāndogya Upaniṣads*. That identification was the culmination of a theory of the equivalence between macrocosm and microcosm; the need for multiple, partial equivalences was short-circuited by identifying the soul/essence of the individual and of the world. The Buddha in a sense kept the equivalence, or at least parallelism, for he argued against a single essence at either level and so made macrocosm and microcosm equally devoid of soul/essence.

There seem to be verbal echoes of Yājñavalkya. The sixth wrong view in passage A is that after death I shall be *nicco*, *dhuvo* etc. Compare *Bṛhadāraṇyaka Upaniṣad* 4,4,23: *eṣa nityo mahimā brāhmaṇasya* (the *brāhmaṇa* here being one who has realized his identity with *brahman*); 4,4,20: *aja ātmā mahān dhruvaḥ*. The third point of the *tilakkhaṇas*, *dukkha*, is not mentioned here, but is of course opposed to *ānanda*, as at *Bṛhadāraṇyaka Upaniṣad* 3,9,28: *vijñānam ānandaṃ brahma* and 4,3,33: *athaiṣa eva parama ānandaḥ, eṣa brahmalokaḥ*. It remains only to remind readers of the most important and closest parallel of all. The fifth wrong view is to identify with what has been *diṭṭhaṃ sutaṃ mataṃ viññātaṃ*. What exactly is that? The answer is at *Bṛhadāraṇyaka* 4,5,6: *ātmani khalv are dṛṣṭe śrute mate vijñāte idaṃ sarvaṃ viditam*. So here is the form of the microcosm-macrocosm equivalence to which the Buddha is alluding; and we can further see that his fifth wrong view is Yājñavalkya's realization of that identity in life, and his sixth the making real that identity at death. But, says the Buddha, this is something that does not exist (*asat*).

Note that none of these parallels is recorded by the commentary. How could one argue that these statements were not made by the Buddha but produced by the later monastic tradition when that tradition, which certainly did produce the commentaries, appears not fully to understand them?

The Buddha did not reject everything that Yājñavalkya said. At *Bṛhadāraṇyaka* 4,4,5, he says that by *puṇya karman* a person at death becomes *puṇya*, by *pāpa karman*, *pāpa*. Though the meaning of *puṇya karman* in brahminical literature had hitherto been "purifying ritual", the context here suggests a more general meaning. The passage is terse, so the meaning of *karman* is not spelt out; but it would be reasonable to suppose that what is meant is "act", ritual and ethical action are not being fully differentiated. The Buddha went much further in his revalorization of the term: "By act", he said, "I mean intention".[31] Familiarity has dulled our perception of how bold a use of language that is. Action is completely internalized—in fact, transformed into its opposite. This goes just as far as saying that

[30] *Ibid*., 140–41.
[31] *Cetanāhaṃ bhikkhave kammaṃ vadāmi*, *Aṅguttara-nikāya*, III, 415.

someone whom the world thinks a brahmin could really be an outcaste, and vice versa.

The change in the meaning of "action" lies at the heart of Buddhism and is fundamental to the coherence of the system. The Buddha revalorized not only brahminical soteriology, but ritual too. I conclude by offering an important instance of such revalorization.[32]

According to the Buddha, our six senses (including the mind) and their objects are ablaze with the three fires of passion, hate and delusion, and the goal is to extinguish those fires. According to Buddhist tradition, the doctrine of the three fires was first enunciated in the Buddha's third sermon, the *Ādittapariyāya Sutta*. The *Vinaya* (I, 23–35) presents this sermon as the culmination of a long story: the Buddha converts three brahmin ascetics (Uruvela Kassapa, Nadī Kassapa and Gayā Kassapa) by miracles he performs while staying in the building in which they keep their ritual fires; he persuades them to give up the *agnihotra* (Pāli *aggihutta*). Thus, just as the Enlightenment is represented by the allegory of the battle against Māra, the message of what T.S. Eliot[33] has made famous in our culture as "The Fire Sermon" is conveyed allegorically by the story of the three Kassapas. The link is made plain by the sermon's use of the fire metaphor.

The fires the Buddha sees burning are three because that number corresponds to the three permanently burning fires of the *āhitāgni*.[34] There could after all have been some other number; were the reference less specific, the same message could have been conveyed by talking of one, generalized fire, or maybe two, e.g. *taṇhā* and *avijjā*. To reach three, *taṇhā* has to be split into *rāga* and *dosa*, positive and negative.

My claim seems to be corroborated by an interesting sermon in which the Buddha gives an allegorical interpretation of the three fires which is somewhat like the (much later) one in *Manu*,[35] but depends on puns. I know of no modern discussion of this sermon, *Aṅguttara Nikāya*, *Sattaka Nipāta*, *Mahāyañña Vagga*, *sutta* XLIV.[36] Since I find E.M. Hare's translation unsatisfactory, I offer my own, with some comments.[37]

[32] Most of the rest of this paper represents a revised version of part of my paper "Why there are three fires to put out", delivered at the conference of the International Association of Buddhist Studies in Bologna, July 1985. Though originally I revised it for publication in the proceedings of that conference, the convenor and editor, Professor Pezzali, has kindly let me know that the publication is still (in November 1987) not assured.
[33] "The Waste Land", 1922, Part III, especially the note on line 308.
[34] The *āhitāgni* is the brahmin who has followed the ritual prescription of the Vedic (*śrauta*) tradition and keeps the fires burning for the purposes of his obligatory daily rites.
[35] "Tradition holds that one's father is in fact the *gārhapatya* fire, one's mother the *dakṣiṇa*, one's teacher the *āhavanīya*; that triad of fires is the most important." *Manusmṛti*, II, 231.
[36] Published by the Pali Text Society, *Aṅguttara-nikāya*, IV, 41–46.
[37] The Pāli commentary on this *sutta* is short; it is published in the PTS edition at *Manorathapūraṇī*, IV, 29–30.

“Once the Blessed One was staying at Jetavana in Anāthapiṇḍika’s park in Sāvatthī. At that time the brahmin (a) Uggatasarīra (b) (Extended-Body, i.e., Fatty) had prepared a great sacrifice. Five hundred bulls and as many steers, heifers, goats and rams had been brought up to the sacrificial post for sacrifice. Then the brahmin went up to the Blessed One and greeted him, and after an exchange of courtesies he sat to one side. Then Uggatasarīra said to the Blessed One, ‘Gotama, I have heard that it is very rewarding and advantageous to kindle (c) a fire and set up a sacrificial post’. The Blessed One agreed that he had heard the same; this conversation was twice repeated. ‘Well then, Gotama, your ideas and ours, what you have heard and we have heard, agree perfectly’ (d).

At this the Venerable Ānanda said, ‘Brahmin, you should not question the Tathāgata (e) by saying what you did, but by telling him that you want to kindle a fire and set up a sacrificial post, and asking him to advise and instruct you so that it may be for your long-term benefit and welfare.’ Then the brahmin asked the Blessed One so to advise him.

Brahmin, when one kindles a fire and sets up a sacrificial post, even before the sacrifice takes place one is setting up three knives which are morally wrong (f) and lead to painful results. The three are the knives of body, speech and mind. Even before the sacrifice, one thinks, ‘Let this many animals be slaughtered for sacrifice.’ So while thinking one is doing something purifying (g) one is doing something not purifying; while thinking one is doing right one is doing wrong; while thinking one is finding the way to a good rebirth one is finding the way to a bad. So the knife of mind comes first. Then one says, ‘Let this many animals be slaughtered for sacrifice’, and so under the same misapprehensions one is setting up the knife of speech next. Then one oneself initiates (h) the slaughter, and so sets up the third knife of body.

Brahmin, these are the three fires one should abandon, avoid, not serve: the fires of passion, hate and delusion. Why? Because a passionate person who is overcome and mentally controlled by passion does wrong in body, word and thought. So at the dissolution of the body, after death, he goes to a bad rebirth, to hell. The same goes for a hating and for a deluded person. So one should abandon these three fires.

Brahmin, these are the three fires one should honour, respect, worship and look after properly and well (i): the fire fit for oblations, the fire of the householder and the fire worthy of religious offerings (j).

Whoever the parents are (k), they, brahmin, are what is called the fire fit for oblations. Why? From that source, brahmin, was this person oblated, did he come into existence. So he should honour it and look after it. Whoever your children, wives, slaves, servants or workers are, they are

what is called the householder's fire. So that fire too should be honoured and looked after. The ascetics and brahmins who keep from intoxication and negligence, who keep to patience and restraint, who control, pacify and cool themselves (l), they are the fire worthy of religious offerings. So that fire too should be honoured and tended.

But, brahmin, this fire of wood should from time to time be kindled, from time to time be cared for, from time to time be put out (m), from time to time be stored (n).

At these words Uggatasarīra said to the Blessed One, 'Excellent, Gotama! From today forth please accept me as your lifelong disciple; I put my faith in you. Herewith I release all the animals and grant them life. Let them eat green grass and drink cool water, and let cool breezes blow upon them.'"

Notes on the above translation

a. *Contra* Hare, I construe as a genitive of agent with a past passive participle.

b. I assume a joke. The commentary (C) says he was so known because of both his physique (*attabhāva*) and his wealth.

c. *ādhānaṃ* (Hardy) must be the correct reading, not *ādānaṃ* (C).

d. C: *sabbena sabban ti sabbena sutena sabbaṃ sutaṃ. sameti saṃsandati*. The word *suta* recalls *śruti*, "sacred text".

e. Tathāgatā plural of respect?

f. "morally wrong" translates *akusala*; "right" and "wrong" below *kusala* and *akusala*.

g. "purifying" translates *puñña*; this is one of the fundamental puns or reinterpretations of Buddhism: for the Buddhist the term is virtually a synonym of *kusala*.

h. C reads *samārambhati* with v.1 *samārabhati*, Hardy *samārabbhati*. Possibly connected with *ālabh* "to kill".

i. Hare's translation is grammatically impossible: "These three fires, when esteemed, revered, venerated, respected, must bring best happiness." *Parihātabbā* must be passive; as C says, it = *pariharitabbā*. For the phonetic change cf. *kātabba* < Sanskrit *kartavya*. *Parihātabbā* answers *pahātabbā* in the previous paragraph. The real difficulty lies in *sukhaṃ*, which is not normally a synonym of *sammā*. I suspect a corruption and venture the suggestion that what was intended was another pun, on *sukkhaṃ*, "dry", which is what fires should be kept. Not all the Buddha's puns are phonetically perfect; one must bear in mind that these started as

oral texts, so that small differences could be blurred, quite apart from the fact that in the Buddha's original dialect they may have been obliterated anyway. I know no parallel for *sukhaṃ* / *sukkhaṃ*, but occasional *dukha* for *dukkha* is guaranteed by metre.

j. The punning names of the three fires are of course untranslatable. The first, *āhuneyya*, is however a precise Pāli equivalent to *āhavanīya*, so the reference is changed but not the meaning. The second, *gahapataggi*, has turned "the fire of householdership" into "the fire of the householder"; losing the final *i* of *gahapati* by *sandhi* increases the phonetic similarity. The third name shows a greater gap between Sanskrit *dakṣiṇa* "south" and Pāli *dakkhiṇeyya*; but the latter implies a punning interpretation of *dakṣiṇāgni* as "the fire of sacrificial fees (*dakṣiṇā*)".

k. Hare's "the man who honoureth his father and his mother" is impossible; it is they, not their son, who must be worthy of honour. *Yassa* is difficult; the text of this passage shows several variants. The parallel point in the text about the third fire has *ye te*, with no variants. I would restore *ye*, or better still *ye 'ssa*,[38] at this point for the first two fires at lines 3 and 9, interpreting both *ye* and *te* as nominative plural, and posit that the corruption occurred because *te* was interpreted as *tava*, which would make good sense, and the relative changed to agree with it. For the third fire, *te* = *tava* would make little sense, so there was no corruption.

l. *parinibbāpenti*. In an article elsewhere[39] I have shown that this whole phrase is hard to translate appropriately because it has been clumsily lifted from quite a different context.

m. *nibbāpetabbo*.

n. C: *nikkhipitabbo ti yathā na vinassati evaṃ ṭhapetabbo*: "it is to be so placed that it does not go out". The flame could be transferred to some sheltered place or vessel.

It may not be fanciful to see in the Buddha's first allegorical fire an allusion to the *Bṛhadāraṇyaka Upaniṣad*; the idea that one is oblated from one's parents is the same, and there may even be a verbal echo. Our text says one is *āhuto saṃbhūto*. Compare *Bṛhadāraṇyaka* 6,2,13: "Gautama, woman is fire. Her lap is the firewood, her body-hair the smoke, her womb is flame, what he does inside is the embers, enjoyments are the sparks. In this very fire the gods offer semen; from that oblation (*āhuteḥ*) man comes into existence (*saṃbhavati*)."

Dr Chris Minkowski has kindly pointed out[40] that the last sentence of the sutta echoes a verse of the *Ṛgveda* X, 169, 1, which blesses cows, invoking for them

[38] I am grateful to Professor Schmithausen for pointing out that *ye 'ssa* would be the neatest emendation.
[39] See my article "Three souls, one or none: the vagaries of a Pāli pericope" referred to above in note 5.
[40] In a letter to me after I had lectured at Brown University.

pleasant breezes, good grass and refreshing water. The words are different but the sentiments the same. The verse, which begins with the word *mayobhūr*, is prescribed for use in several *śrauta* and *gṛhya* rites.[41] He writes: "It appears to be an all-purpose benedictory verse for cows used both in daily routine and in ritual celebration. I think it is therefore quite possible that specifically this verse is echoed in the Buddhist text. As the Fatty Brahmin let the cows go he recited the verse he would recite in letting them out to graze."

* * *

Let me sum up. I have argued that we (unlike the commentators) can see the Buddha's message in systematic opposition to beliefs and practices of his day, especially those of the educated class who inevitably constituted most of his audience and following. Texts, which by and large do not represent his precise words (or if they do, we can never know it), must have been composed during his lifetime. Unfortunately I have not made a close study of the *Aṭṭhaka* and *Pārāyaṇa Vagga*, but I would certainly see no *a priori* problem in allowing them to date from the Buddha's lifetime, because I believe that a lot of the texts must do so. To go further, and try to sort out which of the texts contemporary with the Buddha date from his early years I would think a hopeless enterprise.

Many years ago my aunt, a violinist, was employed to play in the orchestra attached to the Shakespeare Memorial Theatre in Stratford-on-Avon. She lodged with a working class family. She was astonished to discover one day that they did not believe that a man called Shakespeare had ever existed. "So who do you think wrote the plays?" she asked. "The Festival Committee, of course", came the pitying reply. I am content to be a loyal nephew. On the other hand we must remember that if the plays had never been published the role of the Committee might indeed be crucial.

[41] The verse is used in the *aśvamedha*, for instance; but its use in *gṛhya* rites may better account for its being known to Buddhists. Minkowski writes: "As [householders] let their cows out to graze they should recite *mayobhūḥ* etc. (*Āśvalayana Gṛhya Sūtra* 2,10,5). Or when they come back from grazing and are back in the pen (*Śāṃkhāyana Gṛhya Sūtra* 3,9,5). There is also a *gṛhya* festival performed on the full moon of Kārttikī when the cows are honoured and the *mayobhūr* verse is recited (*Śāṃkhāyana* G.S. 3,11,15)."

HOW THE MAHĀYĀNA BEGAN*
R.F. Gombrich

I would like to put forward for discussion what I believe to be a new hypothesis. This hypothesis can be simply stated. It is that the rise of the Mahāyāna is due to the use of writing. To put it more accurately: the early Mahāyāna texts owe their survival to the fact that they were written down; any earlier texts which deviated from or criticized the canonical norms (by which I mean approximately the contents of the *Vinaya Khandhaka* and *Suttavibhaṅga* and the Four *Nikāyas*) could not survive because they were not included among the texts which the Saṅgha preserved orally.

Few Indologists have publicly reflected on how unusual a feat was performed by the early Buddhists in preserving a large corpus of texts for a long period—probably three to four centuries—purely by word of mouth. An admirable exception is the article by Lance Cousins, "Pali Oral Literature,"[1] which so far as I know has not yet had the recognition it deserves. Cousins in fact devotes less than six pages to the oral character of the earliest Pāli texts, and as my approach is somewhat different from his I shall have to cover some of the same ground again. But I hope to prove the truth of his claim that "consideration of the oral nature of the *Nikāyas* offers several profitable lines of historical investigation."[2]

Oral literature has been preserved all over the world, but modern research has shown that for the most part this literature is re-created at every re-telling. Verse epic and folk tale alike may have contents preserved over centuries, but they tend to be composed anew, often by professionals or semi-professionals, from a vast repertoire of clichés, stock phrases. That the preservation of oral literature may appear fairly informal must not make us forget that it depends nevertheless on institutions, on recognized and regular arrangements for training, rehearsal and performance.

The early Buddhists wished to preserve the words of their great teacher, texts very different in character from the general run of oral literature, for they presented logical and sometimes complex arguments. The precise wording mattered. Cousins has rightly drawn attention to the typical oral features of the *suttantas*; great use

* The editor of the present publication would like to express his gratitude to Professor Egaku Mayeda for permission to include here this paper which has been originally published in the *Journal of Pali and Buddhist Studies* I, Nagoya, March 1988, 29–46.

[1] L.S. Cousins, "Pali Oral Literature", in P.T. Denwood and A. Piatigorsky, eds., *Buddhist Studies Ancient and Modern*, London, 1983, 1–11.

[2] *Ibid*., 9.

of mnemonic lists, stock passages (clichés) and redundancy. He further points out that the differences between the versions of the texts preserved by various sects and in various languages are much what we would expect of oral texts.

> "These divergences are typically greatest in matters of little importance—such items as the locations of *suttas*, the names of individual speakers or the precise order of events. Only very rarely are they founded on doctrinal or sectarian differences."[3]

In corroboration I might add that the Buddhist tradition itself was well aware of this distinction. In its account of how the Canon came to be compiled, at the First Council, the introduction to the *Sumaṅgalavilāsinī* frankly says[4] that words of the narrative portions were inserted on that occasion, and thus clearly distinguishes between the words attributed to the Buddha and their settings. From the religious point of view this is perfectly understandable: the narrative framework of the sayings is not relevant to salvation.

Where I slightly differ from Cousins, as will appear, is in his stress on the probable improvisatory element in early recitations of the Buddha's preachings. The whole purpose of the enterprise (as certainly Cousins would agree) was to preserve the Buddha's words. I think the earliest Pāli texts may well be rather like the Rajasthani folk epic studied and described by John Smith, in which the essential kernel is in fact preserved verbatim, but variously wrapped up in a package of conventional verbiage which can change with each performance.[5] It is significant that this is done by a class of professional performers who are mostly illiterate.

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[3] *Ibid*., 5.

[4] I, 12: *saṃbandha-vacana-mattaṃ…pakkhipitvā*. Literally means "only interpolating connecting words"; this is less than the narrative items to which Cousins is referring. The text would not go so far in imputing their own veracity. But the passage does make the essential distinction between what is *Buddha-vacana*, 'the words of the Buddha', and may therefore not be tampered with, and what is not.

[5] J.D. Smith, "The Singer or the Song: a Reassessment of Lord's 'Oral Theory'", Man (N.S.) 12, 1977, 141–153. It would be hard to exaggerate the importance of Smith's observations for the study of oral literature in general and early Indian texts in particular. On analyzing his recordings of performances of an oral epic by performers who had never met, Smith found that though they even varied in metre, they shared a common nucleus which conveyed all the important meaning. When the words of this nucleus are put together, they form a metrical text, and "it is easy to demonstrate that [that text] exists in what is, in essence, a single unitary form memorised by all its performers" (page 146). This nuclear text shows only unimportant variations, in such matters as order, grammar and use of synonyms (page 147). Yet what is extraordinary is that this nuclear text is never presented as a unity, but only word by word or phrase by phrase, each fragment being embedded in "large quantities of semantically lightweight verbal material" (page 145). This means that though what is remembered is basically metrical, it is presented in a form which destroys that metre. This shows how complex the relation between verse and prose could become.

Be that as it may, I suggest that it would never have occurred to the Buddhists that such a feat of preservation was even possible had they not had before them the example of the brahmins. Already for centuries the brahmins had been orally preserving their sacred texts, Vedic literature, by making that preservation virtually coterminous with their education. That education, which was the right and the duty of every brahmin male, might last up to 36 years;[6] it consisted of memorizing Vedic texts, and in some cases also subsidiary treatises (*vedāṅga*). By the time of the Buddha, Vedic literature was too vast to be memorized by any single person except perhaps the rare genius; it was divided into various branches (*śākhā*) of oral tradition.

Vedic literature contains both verse and prose texts. The oldest corpus of texts, the *Ṛgveda*, is a collection of hymns in verse, arranged in ten 'books' (*maṇḍala*); the six 'family books', *maṇḍala* II–VII, which constitute its kernel, are arranged in order of length, from the shortest to the longest.[7] A hymn is called a *sūkta*, literally '(that which is) well spoken'. The later Vedic texts are mostly in prose. It is generally held, and I agree, that at the time of the Buddha (whenever exactly that was) only the few earliest *Upaniṣads* existed. The *Upaniṣads* constitute the latest stratum of the *Veda* and are known as its 'conclusion', *anta*, in the logical as well as the purely temporal sense.

I believe that the Buddhist canon has left us more clues that it is modelled on Vedic literature than has been generally recognized. In my view, early Buddhist poems were called *sūkta*, which in Pāli (and other forms of Middle Indo-Aryan) becomes *sutta*, as in *Suttanipāta*. Literally a *sūkta* is synonymous with a *subhāṣita*, something 'well spoken', in this case by the Buddha or one of his immediate disciples; but the word also alludes to the *Veda*. I am of course aware that many centuries later sutta was re-Sanskritized as *sūtra*. A *sūtra* is however a recognized genre of Sanskrit literature, a prose text composed with the greatest possible brevity, so that it can normally not be understood without a lengthy commentary. No early Pāli text is anything like that. I would even go further, and tentatively suggest that if Pāli *sutta* can equal Sanskrit *veda*, Pāli *suttanta* can equal Sanskrit *vedānta*; then the prose texts of the Buddha's discourses are the 'conclusions' of the Buddhist sacred literature.

These linguistic remarks are however speculative, and even if they are shown to be wrong, this would not affect my main argument at all. It is a fact that parts of the Pāli Canon are arranged on the Vedic principle of increasing length of units: the *Aṅguttara-nikāya* (parallel to the *Ekottara-āgama*); the *Thera-* and *Therī-gāthās*; the *Jātaka*; and—most interestingly—the poems of a section of the *Suttanipāta*, the *Aṭṭhakavagga*. There is an episode in the Canon[8] in which the Buddha asks a young

[6] *Manusmṛti*, III, 1. The text there refers to the three *Vedas*; but it was presumably only those who aspired to be schoolteachers who attempted that feat.
[7] "…books II–VII, if allowance is made for later additions, form a series of collections which contain a successively increasing number of hymns." Arthur A. Macdonell, *A History of Sanskrit Literature*, reprinted in Delhi, 1965, 34.
[8] *Vinaya*, I, 196 = *Udāna* V, 6. In the latter passage it says that the monk recited sixteen poems, in the *Vinaya* merely that he recited 'all'.

monk whom he is meeting for the first time to tell him some *Dhamma*; the monk recites the whole *Aṭṭhakavagga* and the Buddha commends him. The text does not specifically say who originally composed the poems of the *Aṭṭhakavagga*; it could be the Buddha himself; it could be the young monk's teacher, Mahākaccāna, who was a reputed preacher; it could be yet other monks; and it could be a combination of these, since not all the poems need be by the same author. But what is clear is that this set of sixteen poems was collected early and arranged on the *Ṛgvedic* principle, by increasing length.

As mentioned above, numbered lists are an important mnemonic device, and they are indeed omni-present in the literature of both early Buddhism and early Jainism. Another such device is redundancy. The earliest Buddhist prose texts are clogged with repetitions. The brahmins went to extraordinary lengths in preserving the *Ṛgveda* by memorizing the words in various patterns. This did not appeal to the Buddhists, probably because of their stress on the meaning of the texts; but the endless redundancies of the patterns of words in the Pāli *Abhidhamma* texts do somewhat recall the Vedic *Kramapāṭha*, *Jaṭāpāṭha* and *Ghanapāṭha*[9] in their formal character. A third mnemonic device is versification. The stricter the metre, the easier it is to preserve the wording. The *anuṣṭubh* / *vatta* metre is thus less effective for this purpose than the stricter metres in which most of the *Suttanipāta* is composed.

Obviously there was no means of preserving the Buddha's words as he spoke them. They had to be formalized in texts, prose or verse, deliberate compositions which were then committed to memory, and later systematically transmitted to pupils. Were this not so, they would have been lost, like the teachings of the teachers contemporary to the Buddha who are mentioned in the Canon, notably in the *Sāmaññaphala-suttanta*. The case of Jainism is particularly instructive. According to the Digambara tradition, the oldest texts preserved are not the original canon: that has been lost.[10] It seems to me highly unlikely that such a tradition would have arisen were it not true, whereas one can easily understand the motivation for the opposite view, taken by the Śvetāmbara Jains, that the texts preserved are in fact part of the original canon. All Jains agree that some of their canon was lost at an early stage. The Śvetāmbara tradition divided monks into those who were *jinakappa*, the solitary wandering ascetics striving for liberation in this lifetime, and the *therakappa*,[11] professional monks concerned to preserve the Jain tradition, and in particular the scriptures. This precisely mirrors the distinction introduced into the Buddhist Theravādin Saṅgha, probably in the late first century B.C., between monks who were to undertake the *vipassanādhura*, the duty of meditating and so attaining *nirvāṇa* themselves, and those who undertook the

[9] Macdonell, *op. cit.,* 42.
[10] P.S. Jaini, *The Jaina Path of Purification*, Berkeley and Delhi, 1979, 51.
[11] Colette Caillat, *Les expiations dans le rituel ancien des religieux jaina*, Paris, 1965, 50. In contrast to the ancient tradition of the solitary ascetic, followed by the *jinakappa*, the *therakappa* monks were not allowed to be alone, or normally even in pairs. Caillat does not relate this to the question of preserving the tradition; I owe this idea to a conversation with Will Johnson.

ganthadhura, the duty of preserving the books, i.e. the Buddhist scriptures.[12] But here I am running ahead of my story.

My point is that from the first the institution which performed the function of preserving the Buddhist texts must have been the Saṅgha. Whether we choose to consider that initially this function was overt or latent does not matter. Certainly the Buddha's primary conception of the Saṅgha was as an association of men and women trying to reach *nirvāṇa* and creating conditions which facilitated this quest for all of them. But the Saṅgha was a missionary organization too: the first sixty monks were dispatched to preach to whoever would listen.[13] That is of course well known. But somehow scholars have not given much thought to the mechanics of how they would have remembered what to preach, and then how their converts, who had not met the Buddha himself, would have remembered it in their turn. It is my contention that the preservation of the texts required organization, and that the Buddhist laity were never organized in a way which would have ensured the transmission of texts down the generations.

I must not be misunderstood as saying that only monks and nuns knew texts by heart. What I am saying is that only they were so organized that they could hand them on to future generations. An interesting passage in the *Vinaya*[14] says that a monk may interrupt his rains retreat for up to seven days if a layman or laywoman summons him with the message that he or she knows a text and is afraid it will get lost—in other words, that it needs to be passed on to the Saṅgha. We do not know how the Saṅgha was organized for this purpose in the earliest period. Several times in the Canon monks are referred to as *vinaya-dhara*, *dhamma-dhara* and *mātikā-dhara*, which means that they had memorized respectively monastic rules, sermons (*suttanta*), or the lists of terms which later developed into the *Abhidhamma* works. But I know of no passage which makes it clear whether these were ever exclusive specialisms. Later monks certainly did specialize in memorizing particular texts or groups of texts,[15] and this apparently continued even after they had been committed to writing in the first century B.C. According to the introduction to the *Sumaṅgalavilāsinī*, the *Vinayapiṭaka* was entrusted to Upāli and his followers (*nissitaka*) and each of the four *Nikāyas* similarly to an important monk and his followers.[16] Since Buddhaghosa is merely editing the commentaries, which were written down with the Canon, I assume that this statement reflects the way that the Saṅgha was organized for memorizing the texts in the first century B.C. We do not know how much older this division of labour—reminiscent of the brahmin *śākhā*—can be. But the logic of the situation suggests that from the first monks must have specialized, being taught texts first by their own teachers and then by other monks they encountered both in their monasteries and on their travels; and that the Councils (*saṅgāyanā*), better termed Communal Recitations, served the

[12] Walpola Rahula, *History of Buddhism in Ceylon: the Anuradhapura Period*, Colombo, 1956, 158–61.
[13] *Vinaya*, I, 21.
[14] *Ibid.*, 140–141.
[15] Details in E.W. Adikaram, *Early History of Buddhism in Ceylon*, Migoda, 1946, chapter 3.
[16] *Vinaya*, I, 13, 15.

function of systematizing knowledge and perhaps of organizing its further preservation. In fact, the very division of the sermons into the four *Nikāyas* was probably for this purpose, and I suspect that the four *Nikāyas* basically represent four traditions of memorization. It may be significant that in the passage of the *Sumaṅgalavilāsinī* already cited the four *Nikāyas* are referred to as four *saṅgīts* and the *Dīgha-nikāya* as the *Dīghasaṅgīti*.[17] The words *saṅgīti* and *saṅgāyanā* are, of course, synonymous.

The Canon itself has preserved traces of how all this worked, and even shows that the Buddhists were conscious of the contrast in this respect between themselves and the Jains. The *Saṅgīti-suttanta* has it that at the death of Nigaṇṭha Nāthaputta his followers began to disagree about what he had actually preached.[18] Sāriputta makes this the occasion for rehearsing a summary of the Buddha's teaching arranged in numbered lists of increasing length. It does not matter whether the text faithfully records a historical incident (which we can never know for certain); the point is rather that the Buddhists were aware that this kind of systematic rehearsal was necessary if Buddhism was to be preserved as a coherent doctrine and way of life (discipline) and I cannot conceive how it could in fact have survived had such occasions not taken place. In another text[19] the Buddha is reported as saying that four conditions make for the forgetting (*saṃmosa*) and disappearance of the true teaching (*saddhamma*). The first is if monks memorize the texts incorrectly. Another is if learned monks who know the texts do not take care to rehearse others in reciting them.[20]

A corollary of all this is that once meetings of monks (whether or not these correspond to the First and Second Councils of tradition) had decided what was to be memorized, it must have been difficult, if not impossible, to slip a new text into the curriculum. That is not to claim that no change occurred; but the changes must have been mostly unintentional, due to lapses of memory and to the contamination of texts as someone's memory slipped from one text to another. We learn of such a body of authorized texts from the passages[21] in the *Mahāparinibbāna-suttanta* concerning what Rhys Davids translates as the four 'Great Authorities' (*mahāpadesa*). Actually this translation is misleading, for the number four refers to the instances of referral to authority, not to the number of authorities. Of those there is but one. When anyone claims to have an authentic text, its authenticity is to be judged simply by seeing whether it harmonizes with the texts (*sutta* and *vinaya*) already current in the Saṅgha. If not, it is to be rejected: the Saṅgha will not try to preserve it.

Under these circumstances, any text which is critical of the current teachings or

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[17] *Ibid.*, I, 14.
[18] *Dīgha-nikāya*, III, 209–210. The same passage occurs at III, 117–118, and Majjhima, II, 243–244.
[19] *Aṅguttara*, II, 147.
[20] *Ye te bhikkhū bahussutā āgatāgamā dhammadharā vinayadharā mātikādharā te na sakkacca suttantaṃ paraṃ vācenti tesaṃ accayena chinnamūlako suttanto hoti apaṭisaraṇo.*
[21] *Dīgha-nikāya*, II, 123–126.

introduces something which is palpably new has no chances of survival. It is possible that hundreds or even thousands of monks, nuns and Buddhist lay followers had visions or other inspirations which put new teachings into their minds, possible that they composed texts embodying those teachings—but we shall never know. For without writing those texts could not be preserved.

Archaeology has recovered no piece of writing in India which can definitely be dated earlier than the inscriptions of Aśoka. It is however generally agreed that the fact that in Aśokan inscriptions the Brahmī script shows some regional variety proves that it must have been introduced a while earlier. It is *prima facie* probable that writing was first used for two purposes: by businessmen for keeping accounts and by rulers for public administration. This in fact fits what we learn from the *Vinayapiṭaka*.

The *Vinaya* is the only part of the Pāli Canon to mention books or writing. There are mentions in the *Jātaka* book but only in the prose part, which is commentary, not canonical text. It is sometimes said[22] that books are mentioned in the *Dīgha-nikāya*, but that is almost certainly incorrect. The single passage in question is at *Dīgha* III, 94, in the *Aggañña-suttanta*, where brahmins are being lampooned. By a joking pun they as students of the *Veda* are said to be 'non-meditators' (*ajjhāyaka*); they settle near towns and villages and make *ganthe*. Later *gantha* certainly comes to mean a book; but basically it means 'knot'. In the *Suttanipāta*[23] brahmins are said to 'knot together mantras'—the words are *mante ganthetvā*—and the reference is to their composing Vedic texts. The metaphor is much the same as that in *sūtra*, the 'stringing together' of a text, and that in *tantra*, in which a text is 'woven'. Though the Rhys Davids translate *ganthe* at *Dīgha* III, 94 as 'books', they do not seem to mean by this books as physical objects, for they quote and correctly translate the commentary on the word: "compiling the three *Vedas* and teaching others to repeat them."[24]

To present the evidence concerning writing in the *Vinayapiṭaka* I can do no better than attempt to summarize what was so admirably said more than a century ago by Rhys Davids and Oldenberg in the introduction to their translations of *Vinaya* texts.[25] "In the first place, there are several passages which confirm in an indisputable manner the existence of the art of writing at the time when the *Vinaya* texts were put into their present shape."[26] There is a reference to a royal notice about an absconding thief.[27] There is a reference to writing as a 'superior craft' (*ukkaṭṭha sippa*).[28] There is a reference to tempting someone to suicide by

[22] e.g., by Schopen in the article cited below, 171, n. 46.
[23] *Suttanipāta*, 302 and 306.
[24] T.W. Rhys Davids and C.A.F. Rhys Davids, trans., *Dialogues of the Buddha*, Part III, London, 1921, 90.
[25] T.W. Rhys Davids and H. Oldenberg, *Vinaya Texts*, Part I, SBE XIII, Oxford, 1881.
[26] Rhys Davids and Oldenburg, *op. cit.*, xxxii.
[27] *Vinaya*, I, 43.
[28] *Ibid.*, IV, 7. This passage is not referred to by Rhys Davids and Oldenberg.

means of a written message.[29] And though the nuns are forbidden 'animal arts' (*tiracchāna vijjā*), there is no fault in their learning to write. (This last reference[30] is brief and obscure, but my feeling is that Rhys Davids, Oldenberg and Miss Horner have all misinterpreted it and it refers to drawing amulets, something like *yantra*.)[31] "But it is a long step from the use of writing for such public or private notifications to the adoption of it for the purpose of recording an extensive and sacred literature."[32] At this point Rhys Davids and Oldenberg might have added that brahmins did not write down their scriptures for many centuries after writing came into use among them; but they wished to restrict access to their scriptures to the top three *varṇas*, whereas Buddhists had no desire to keep theirs secret.

> "Had the sacred texts been written down and read, books, manuscripts, and the whole activity therewith connected, must have necessarily played a very important part in the daily life of the members of the Buddhist Order."[33]

The *Vinaya* mentions every item of property allowed to a monk and every utensil found in a monastery, but it never mentions either manuscripts or writing materials of any kind. But on the other hand there are several references to the need to acquire a text by learning it orally.

The Pāli commentaries record that the texts were first written down when it was found that there was only one monk alive who still knew a canonical text, the *Mahāniddesa*[34]. We have seen above that earlier when it seemed that there was only one person who still knew a text a monk was enjoined to interrupt his rains retreat to go and learn it. In the first century B.C. a surer technique was put to use.

The Pāli Canon (with commentaries) was finally written down for fear of losing it. Maybe it is a corollary of this fact that the *Pātimokkha* as such is not a canonical text. It is of course embedded in the *Suttavibhaṅga*. But maybe no need was felt to make manuscripts of the code which every monk had to know by heart. A text in constant use is in less danger of being forgotten.

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[29] *Ibid.*, III, 76.
[30] *Ibid.*, IV, 305.
[31] The text unhelpfully glosses *tiracchāna vijjā* as "whatever is external, not beneficial" (*yaṃ kiñci bāhirakaṃ anatthasaṃhitaṃ*). If she learns it word by word (or line by line?) (*padena*) each word (or line) constitutes an offence; if syllable by syllable, each syllable. But there is no offence in learning *lekhaṃ*, *dhāraṇaṃ* or *guttatthāya parittaṃ*. Of these three exemptions, only the last is clear: it means "a (specific Buddhist) text recited for protection". The second Horner translates as "what is memorised", but that makes no sense at all, for whatever she learns is presumably memorized. As it is next to *parittā* I assume it is also something like a protective spell, and so the equivalent of Sanskrit *dhāraṇī* (a word not attested in Pāli, so that it is unclear whether one should emend to *dhāraṇiṃ* or just assume that the Pāli equivalent is *dhāraṇā*). That leaves *lekhā*. My general interpretation is that what is forbidden in general is magic, but specific kinds of white magic are permitted.
[32] Rhys Davids and Oldenberg, *op. cit.*, xxxiii.
[33] *Ibid.*
[34] Rahula, *op. cit.*, 158.

There has long been a general consensus that the earliest surviving Mahāyāna texts go back to the second or first century B.C. This chronology, albeit imprecise, clearly fits the time when writing came more into use and it was possible to commit large texts to writing. Maybe this had something to do with better materials. To discuss in detail the use of writing for brahmanical Sanskrit works is both beyond my competence and unnecessary here, but I may remark that Patañjali's *Mahābhāṣya* is clearly a written, not an oral text, and it is commonly dated to the second century B.C., on rather strong evidence.

It may be objected that written works too may perish, and are likely to do so unless an institution guards them. To this I would agree; but it is not an objection to my hypothesis. Certainly the great majority of Mahāyāna—indeed, of *all* later Buddhist—works were lost in their original versions in Indian languages. But many did survive long enough to be translated into Chinese and / or Tibetan, and that is all that my hypothesis requires. A single manuscript in a monastic library, studied by no one, could be picked up and read, even translated, by a curious browser or visiting scholar.

This ends the real argument for my hypothesis, so that my article could end here. But it would be a pity not to mention that the early Mahāyāna texts themselves offer what might be seen as corroborative evidence. It is well known that the *Lotus Sūtra* commends the enshrinement of written scriptures in *stūpas* as the equivalent of corporeal relics. Dr Gregory Schopen has shown[35] that early Mahāyāna texts, even before the *Lotus Sūtra*, have a veritable 'cult of the book'. In those early texts, he writes, "the merit derived from the cult of the book is always expressed in terms of its comparative superiority to that derived from the *stūpa* / relic cult."[36] By book here is meant manuscript; and Schopen shows that the text typically prescribes and glorifies its own worship in written form. Schopen's otherwise brilliant article is slightly marred by an occasional failure to distinguish 'the book' as a written object from texts in general; and I think he may lay too much stress on the localization of the cult. My feeling is that these texts preserve a sense of wonder at this marvellous invention which permits an individual's opinions or experiences to survive whether or not anyone agrees or cares. In a sense they are celebrating their own survival. *Scripta manent* goes the Latin tag: "Writings survive." But perhaps only the Buddhists wrote panegyrics on it.

I should perhaps conclude by remarking that although there are several other theories current about the origin of the Mahāyāna, my hypothesis does not, so far as I am aware, either refute or corroborate any of them, since it approaches the problem on a different level. To put it differently: the other theories mainly say what is different about Mahāyāna, but they do not say why that different form of

[35] G. Schopen, "The Phrase 'pṛthivīpradeśaś caityabhūto bhavet' in the Vajracchedikā: Notes on the Cult of the Book in Mahāyāna", *IIJ*, 17, 1975, 147–181.

[36] Schopen, *op. cit.*, 169. As Schopen goes on to show, this evidence seems to refute the theory that early Mahāyāna is specifically associated with the cult of corporeal relics; if anything, it suggests the opposite.

religion should have (apparently) arisen when it did. My hypothesis, I repeat, is that different forms of Buddhism may have arisen earlier, but we shall never know, for they were doomed to be ephemeral. I am not siding with those who claim that the Mahāyāna represents an aspect of the Buddha's teaching which was somehow preserved 'underground', maybe among the laity, till it surfaced in the texts we have; on the contrary, my argument is precisely that such a thing is impossible.

The most widespread view of the matter is that the Mahāyāna is the Buddhism of the laity. By and large I disagree with that theory. I hope to show in other publications[37] that it rests on a misconception of what it was to be a Buddhist layman in ancient India. I strongly agree, of course, that the earliest Buddhism was primarily a religion of the Saṅgha; and that was for many reasons, not merely for the one with which this paper has been concerned. The other reasons remained valid even after the introduction of writing for recording scriptures. But certainly there were laymen—albeit a small minority—who knew how to write, so that it became technically possible for a layman to write down his own religious views. Whether there were any institutions other than Buddhist monasteries which were likely to preserve such writings is another matter.

[37] For instance in *Theravada Buddhism: a Social History from Ancient Benares to Modern Colombo*, London, 1988, 74–76; and in "Comment une religion se définit elle-même: le bouddhisme", *Le Grand Atlas des Religions*, Encyclopaedia Universalis, Paris, 1988, 36–37.

PĀLI PHILOLOGY AND THE STUDY OF BUDDHISM
K.R. Norman

In the *Times* for 10 October 1987 there appeared an article which began with these words:

> "More than 5,000 manuscripts contain all or part of the New Testament in its original language. These range in date from the second century up to the invention of printing. It has been estimated that no two agree in all particulars. Inevitably, all hand written documents are liable to contain accidental errors in copying. However, in living theological works it is not surprising that deliberate changes were introduced to avoid or alter statements that the copyist found unsound. There was also a tendency for copyists to add explanatory glosses. Deliberate changes are more likely to have been introduced at an early stage before the canonical status of the New Testament was established. If one argues that no one manuscript contains the original, unaltered text in its entirety, then one cannot select any one of these manuscripts and rely exclusively on its text as if it contained the monopoly of the original words of the original authors."

The article went on to point out that if one further argues that the original text has survived somewhere among the thousands of extant manuscripts, then one is forced to read all these manuscripts, to assemble the differences between them in a systematic way, and then to assess, variant by variant, which manuscripts have the original and which the secondary text. It is not surprising that such a prospect has daunted many biblical scholars who have been content to rely on the printed texts of earlier ages, in which the evidence of only a few favoured manuscripts was used. Even many recent printed editions of the Greek New Testament, and modern translations based on these, have usually followed this practice of building their text on a narrow base that is unlikely to be entirely original. All those who read theological literature and, in particular, commentaries on the books of the New Testament will be aware that interpretation can often depend on the precise definition of a word, phrase or verse. There can be no doubt that the precise form of the original text is a matter of crucial concern.

That article was referring to the second part of an edition of the Gospel according to St Luke,[1] a gospel which was selected to inaugurate an enterprise intended to provide the scholarly world with a comprehensive collection of variant

[1] *The Gospel according to St Luke*, Part II, chapters 13–24, edited by the American and British committees of the International Greek New Testament Project, Oxford University Press, 1987.

readings in the Greek New Testament. For that edition it was decided to display all significant variant readings in more than two hundred of those manuscripts which contain St Luke's Gospel, as well as early translations of the Gospel, and quotations from the Gospel in the works of the early Church fathers. At one stage more than two hundred and sixty readers were engaged in studying and collating microfilms of the Greek manuscripts utilized, and many scholars over many years have been involved in the preparation of the work.

Reading the beginning of the article I was struck by how close, *mutatis mutandis*, is the situation with regard to the books of the Pāli canon. Reading, however, about the way in which this particular edition was made, I was struck by the complete contrast to the way in which many editions of Pāli texts have been, and are, I fear, still being, made. Leaving aside those texts which have been edited from a single manuscript because, unfortunately, only one single manuscript has so far come to light, anyone who reads the editor's preface to many of the editions published by the Pali Text Society will be amazed at the small number of manuscripts which editors have thought would be sufficient for them to utilize when performing their task. In some cases editors have been content to reproduce the readings of one or more oriental printed editions, often without attempting to ascertain the basis for such editions. For example, the Pali Text Society edition of the *Buddhavaṃsa-aṭṭhakathā* is based upon, and is in effect a transcription of, a single printed edition, that in Sinhalese script in the Simon Hewavitarne Bequest Series. It occasionally gives variant readings from that edition. Volume I of the Pali Text Society edition of the *Papañcasūdanī*, the commentary upon the *Majjhima-nikāya*, is based upon two Sinhalese manuscripts, two Sinhalese printed editions and a Burmese manuscript of the *ṭīkā*, i.e. the subcommentary upon the *Papañcasūdanī*, which could, at best, have given help with whatever words are quoted in the lemmata. From Volume II onwards the basis of the edition was three printed editions, one being one of the Sinhalese editions used for Volume I, and the other two being editions in the Burmese and Thai scripts. No information whatsoever is given about the basis for these oriental editions, nor are any variant readings quoted from them. No information is given about the principles followed in establishing the text of the Pali Text Society edition, and we are left to suppose that, when the oriental editions differed, the editor of each volume selected arbitrarily whatever readings appealed most to him or her. Other editions have been printed without the benefit of proof-reading, in part or in whole, and one was actually printed with spaces, rather than hyphens, between component parts of compounds, because the Founder's widow, acting as General Editor, was mindful of her dead husband's dislike of hyphens[2] and arbitrarily ordered the printer to remove all those inserted by the editor in his manuscript. This he did, but he omitted to close up the consequent gaps.

It is doubtful whether these facts are known to many of those who write about Theravāda Buddhism, and who happily base their work upon texts which have been edited in this way, and the translations based upon such texts. Even those who are aware of such deficiencies frequently do nothing about it either because they do not

[2] See M.M. Bose, ed., *Itivuttaka-aṭṭhakathā*, vol. II, London 1936, iii.

have the time, or because they are not sufficiently competent in the Pāli language to remedy the matter. It may justifiably be asked whether the errors which may remain in the editions of Pāli texts really matter, and whether they are likely to have resulted in any misunderstanding of the basic and most important elements of Buddhism. My simple answer is that I do not know, because I am not competent to judge the relevant importance of Buddhist doctrines, but, as a matter of principle, I would regret any errors of facts, however trivial, or interpretation of those facts, if they arose from an error in an edition of a Pāli text, just as no New Testament scholar worthy of the name would be happy about anyone working with a text which he knew to be less than perfect.

It seems to me that the situation in other fields of Buddhist studies is not so very different. The main difference is that, in the area of Hīnayāna Sanskrit texts at least, the number of manuscripts concerned is much smaller, and in many cases, when we come to consider the texts from Gilgit or Turfan, we are talking about unique manuscripts or fragments of manuscripts. It is not clear that some of those making use of these manuscripts realize the implications of this. When we talk about the deficiencies of a Pāli edition based upon one or two manuscripts or printed texts, we are doing so in the knowledge that, if we compare this handful of source materials with all the manuscripts which we know to be available in the libraries of the world, such a small number is not likely to be a wide enough sample to ensure correctness. Why then should we accept that the unique Kharoṣṭhī *Dharmapada* is likely to be a correct version of the *Dharmapada* of the Dharmaguptaka school, or a section of the Mūlasarvāstivādin *Vinaya* from Gilgit represents the authentic version of that text in every respect?

We have evidence that there were variations in the versions of such texts which these schools had, as Schmithausen has shown us very recently,[3] and if we find such discrepancies in the few versions of any one text which the sands of Chinese Turkestan have given up, or which have come to light in Kashmir, then what would the situation be if we had a far wider and more representative sample of the literature of the Hīnayāna schools? I am well aware of the fact that scholars working in such fields sometimes say that they can compare their texts with the Tibetan or Chinese translations, and by emending them in the light of those translations they can arrive at a correct version of (say) the Mūlasarvāstivādin *Vinaya*. To them I would say that it may be possible by comparing the Sanskrit, Tibetan and Chinese versions of such a text to come to an agreed reading of a particular passage, but it must be realized that in most cases the Tibetan and Chinese versions have no independent authority. They were made from Sanskrit originals, and all such a comparison can do is to confirm the reading of the Sanskrit text from which those translations were made.

In some cases it may be thought sufficient to do this, but in reality our aims should be greater than this. We know very little about the translation techniques

[3] See L. Schmithausen, "Beiträge zur Schulzugehörigkeit und Textgeschichte kanonischer und postkanonischer Materialien", in H. Bechert, ed.: *Zur Schulzugehörigkeit von Werken der Hīnayāna-Literatur*, Zweiter Teil, Göttingen 1987, 304–81.

which were adopted by those early translators and we have no idea what steps were taken to ensure that the manuscript or manuscripts from which they were making their translation contained a correct version of the text. We know from the records of the Chinese pilgrims that they sometimes obtained a single manuscript of a text to take back to China, from which in due course they or their successors made their translation. Without more information we cannot be certain that the Sanskrit (or very occasionally Pāli) version from which they made their translation was free from errors. Even if it was, then we must remember that that Sanskrit version was in turn, a translation from some variety of Middle Indo-Aryan dialect, and even if we can establish the form of the Sanskrit version correctly, all it tells us is what the person or persons responsible for making that translation thought his Middle Indo-Aryan exemplar meant. It does not prove that he was correct in his interpretation. It cannot be emphasised too much that all the versions of canonical Hīnayāna Buddhist texts which we possess are translations, and even the earliest we possess are translations of some still earlier version, now lost.

Clearly, for the study of Theravāda Buddhism accurate editions of Pāli texts are essential. We must then face the question: "What is an accurate edition of a Pāli text?" Here the variations between regional versions may cause problems. If we find, for example, that the Burmese edition of the first verse of the *Suttanipāta* contains the word *visaṭa*, with retroflex *-ṭ-*, while the Sinhalese edition has *visata*, with dental *-t-*, then we have to recognize the fact that we may be faced, not with a correct reading as opposed to an incorrect one, but with a fundamental dialect difference of Middle Indo-Aryan, whereby *-ṛ-* followed by a dental *-t-* may or may not change that dental *-t-* to retroflex *-ṭ-* before it disappears. Consequently both readings may be correct in Pāli, and both may be original, since both may go back to dialects of Middle Indo-Aryan which are older than Pāli, perhaps back to the time of the Buddha. In short, the Buddha may well have used both versions in different recitations of the same text in different dialects. This aspect of Middle Indo-Aryan philology has not always been clear to scholars, even very eminent scholars, and as a result we find such statements as "the alternative spelling *visaṭaṃ*… is supported by the [Gāndhārī] Prakrit [and] should certainly be restored to the text",[4] with a multitude of suggestions as to how the word should be taken. In this situation we should bear in mind the fact that the redactor of the *Udānavarga*, who most likely had something very similar to the Gāndhārī *Dharmapada* as his exemplar, was able to recognize that the word was to be identified with Sanskrit *visṛta*.[5]

In some cases, however, the growing amount of material we have from non-Pāli sources can sometimes be used, if we exercise great care, to support one Pāli reading against another. The relationship between Pāli and non-Pāli versions of one and the same text, or phrase, or individual word, does nevertheless raise problems, since it is not at all obvious why a reading in a Sanskrit or Prakrit manuscript from Chinese Turkestan should sometimes be closer to a reading in a Pāli manuscript from Burma or Thailand than to a reading in a Sinhalese manuscript, e.g. the

[4] J. Brough, *The Gāndhārī Dharmapada*, Oxford, 1962,197.
[5] *Udānavarga*, edited by Bernhard, XXXII, 64 foll.

Udānavarga[6] has *kṛntana* in the verse which is parallel to *Dhammapada* 275, where the Sinhalese edition has *santhana*, but the Burmese edition has *kantana*. On the other hand, the Sanskrit version of the *Upāli-sūtra* has *aprabhītasya* where the Sinhalese and Burmese editions of the *Majjhima-nikāya*[7] have *appahīnassa*, but the Siamese version has *appabhītassa*.[8] Much research needs to be carried out into the inter-relationship between the various Buddhist countries and their manuscript traditions to try to find out the extent to which they depended upon one another in the past, in an attempt to work out how far their manuscript traditions are independent. It is clear that in very recent years the tradition in Thailand has been greatly influenced by Burmese and European editions, but research carried out in libraries in Thailand[9] is uncovering manuscripts which seem to be older than anything we have available from Ceylon and Burma, and some of the readings found in such manuscripts differ from those found in the present Thai editions, and give support for alternative readings which are in many ways superior to those of our present editions. These manuscripts certainly pre-date the Burmese Fifth and Sixth Councils, and in content, if not in actual physical nature, perhaps go back to the Siamese council held in 1475–77.

If non-Pāli sources can be used to help us in our research in Pāli philology, then the reverse is also the case. This has, of course, been recognized by those editing Sanskrit manuscripts from Turfan and Gilgit, and it is common practice to print the Pāli version, where it exists, alongside such a Sanskrit text. This has proved very useful as a means of correcting errors or conjecturing ways of filling up lacunae in manuscripts, or placing fragments in order, etc. The next stage of such an investigation, however, is to go further than this, and to compare the Pāli and non-Pāli versions, and to try to deduce, if not the form of the original text, at least that of an earlier version, from which they have both been translated.

Such a need arises immediately when we come across words which clearly refer to the same thing, but have different forms, which cannot easily be explained by the normal dialect variations, e.g. Sanskrit *pratisaṃvid*, *avadāna*, *ekavīcika*, *anupadhiśeṣa* and *saṅghāvaśeṣa*, where the Pāli forms are *paṭisaṃbhidā*, *apadāna*, *ekabījin*, *anupādisesa* and *saṅghādisesa*. If we wish to make use of etymology as a means of finding out the precise meanings of these technical terms, then the fact that the relationship between them is obscure makes our task more difficult. There are also difficulties when we come across words which are possibly ambiguous. It is well-known that certain Pāli words have two or more possible etymologies, i.e. two or more Sanskrit words have become homonymous in Middle Indo-Aryan, so that when we meet the Pāli word in our reading we have to decide which of the Sanskrit antecedents we are dealing with. It is very interesting in such contexts to find that sometimes the Sanskrit parallels do not distinguish between the alternatives, but select one or other of them, e.g. Pāli *nekkhamma* can be derived

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[6] *Udānavarga*, *op. cit.*, XII, 9–10.
[7] *Majjhima-nikāya*, I 386, 25*.
[8] See O. von Hinüber, "Upāli's verses in the *Majjhimanikāya* and the *Madhyamāgama*", in L.A. Hercus *et al.*, eds., *Indological and Buddhist Studies* (Volume in honour of Professor J.W. de Jong on his sixtieth Birthday), Canberra 1982, 243–51 (see page 244).
[9] See O. von Hinüber, "Pāli manuscripts of canonical texts from North Thailand—a preliminary report", *JSS*, 71, 1983, 75–88.

from either Sanskrit *naiṣkramya* or Sanskrit *naiṣkāmya*, but it seems always to be Sanskritised in Buddhist texts as *naiṣkramya*. Reading, therefore, a Buddhist Sanskrit text in which the word *naiṣkramya* appears, we must bear in mind that it may stand for *naiṣkāmya*.

If the original author of a text intended a pun, which was possible because the two elements of his pun were homonymous in the dialect of Middle Indo-Aryan in which he was composing his text, then a redactor translating into Sanskrit was faced with a problem when he came to deal with it. If an author intended *dhamma-pīti* to mean both "drinking in the doctrine" and "joy in the doctrine", then a Sanskrit redactor, even if he realized that a pun was intended, which is not at all certain, could not hope to express it in Sanskrit, since he had to make a choice between writing *dharma-pīti* and *dharma-prīti*. He had the same problem with regard to a pun based upon *atta-dīpa*, which could mean either "a lamp for oneself" or "an island, i.e. refuge, for oneself". He had to write either *ātma-dīpa* or *ātma-dvīpa*.

Such examples are well-known, but there are other forms, equally ambiguous, which are perhaps less well known. If we consider the Sanskrit word *bodhisattva*, I do not doubt that many people would translate it as "a being destined for enlightenment", and the same translation is usually given for the Pāli form *bodhisatta*. Monier-Williams, however, translates it more in accordance with the rules of Sanskrit grammar, as "one whose essence is perfect knowledge". This is a very good epithet for a Buddha, but hardly suitable for one who has not yet reached that state, which should make us rather suspicious about the translation of the word. We can, however, point out that the word *bodhisattva* is late in Sanskrit, and probably later than *bodhisatta* in Middle Indo-Aryan. We can therefore postulate that it is a backformation in Sanskrit. This gives us the opportunity of proposing alternative etymologies, and we can, if we wish, accept the suggestion of the Pāli commentators that it is *bodhi* + *satta* < *sakta*, not *sattva*, i.e. "directed towards enlightenment" or *bodhi* + *satta* < *śakta*, i.e. "capable of enlightenment".[10]

Sometimes Pāli philology can help to suggest a solution to problems in languages other than Pāli. Those of you who have read Nāgārjuna's *Ratnāvalī* in Tibetan may have noticed that he refers to *nirvāṇa* as 'master everywhere',[11] while the Chinese version translates it as 'all pervading'.[12] The epithet is a quotation of a canonical phrase, which appears in the Chinese translation of the *Dīrgha-āgama*[13] of the Dharmaguptakas in the form 'shining of or by itself', although the parallel passage in the Chinese translation of the *Madhyama-āgama*[14] of the Sarvāstivādins of Kāśmīra seems not to include the epithet. The phrase also occurs twice in the

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[10] See W.B. Bollée, "Buddhists and Buddhism in the earlier literature of the Śvetāmbara Jains", in L. Cousins *et al.*, eds., *Buddhist Studies in honour of I.B. Horner*, Dordrecht 1974, 27–39 (p. 36, n. 2).
[11] *kun-tu bdag-po*. See *Ratnāvalī*, I, 93–95. Cf. *Yuktiṣaṣṭika*, 34.
[12] T, XXXII, 495b, 1.15.
[13] T, I, 102c, 1.17.
[14] T, I, 548b, 1.11.

Theravādin canon, in the *Dīgha-nikāya*[15] and the *Majjhima-nikāya*,[16] and most editions read *sabbatopabha*,[17] which would appear to support the reading in the *Dīrgha-āgama*. Why, then, should Nāgārjuna, or at least his translators, translate differently?

When, however, we come to investigate, we find that the Pāli situation is not as simple as might appear. The commentator Buddhaghosa wrote commentaries upon both the *Dīgha-* and the *Majjhima-nikāya*. In the commentary on the latter he gives three explanations for *sabbato-pabha*: 'shining', 'abundant, having power'. and 'ford'. The sub-commentary upon his commentary refers only to the first of these. In his commentary upon the *Dīgha-nikāya* Buddhaghosa gives only the explanation as 'ford', basing it upon the sound change *-p-* > *-bh-*. The sub-commentary gives the explanation 'ford', but also alludes to the idea of 'shining'. The matter is further complicated by the fact that the Pāli grammarian Aggavaṃsa refers in one place in his grammar to *sabbato-pabha* as an epithet of *nibbāna*, but in another place refers to *sabbato-papha* as an example of the sound change *-p-* > *-ph-*.[18] It would seem likely that this is the sound change to which Buddhaghosa was referring, and we must therefore assume that there has been an error in the manuscript tradition for this word—an assumption which is borne out when we note the variation in readings in the various editions.

The most probable explanation for all this confusion is that in a version earlier than any of those available to us today the epithet had the form *sabbato-paha* or *sabbato-pahu*, i.e. it was composed in, or had been transmitted through, a dialect where aspirated stops developed to *-h-*, and where the nominative singular of short *-a* stems could be in *-o* or *-u*. Those translating into Pāli or Sanskrit were, therefore, faced with the problem of deciding how to represent the word in their own language or dialect, and how to explain it. The Pāli tradition came up with three solutions: to change *-paha* to *-papha*, to change *-paha* to *-pabha*, or to change *-pahu* to *-pabhu*. The first was explained as *-papa* 'ford', with the change of *-p-* > *-pha-*; the second as *-pabha* 'shining', and the third as *-pabhūta* 'abundant, having power'. Not all of these are attested in the canonical texts as we have them, but the commentarial traditions retained them in their exegesis.

Other traditions, at least those which are available to us now, seem not to have approved of, or perhaps thought of, the idea of *-papha* 'ford'. It is not clear what the reading was in the Sanskrit or (Prakritised Sanskrit) versions underlying the Chinese *āgamas*. The version available to the *Dīrgha-āgama* redactor was clearly capable of interpretation as *-prabha*, which accounts for the translation found there. It seems likely that the version available to the *Madhyama-āgama* redactor was not capable of such an interpretation or it would surely have been translated in the same way as in the *Dīrgha-āgama*. Whatever it was, it seems to have been beyond the redactor's ability to translate, which probably accounts for his omitting it. The

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[15] I, 223, 12.
[16] I, 329, 31.
[17] The Pali Text Society editions of the *Dīgha-nikāya* and its commentary both read *-paha*, but this seems to be due to the confusion of *ha* and *bha* in the Sinhalese script.
[18] *Saddanīti* 70, 20 and 622, 21.

version available to Nāgārjuna either contained the word *-pabhu*, or was capable of being so interpreted, which accounts for his including this form of the epithet in his *Ratnāvalī*.

I am not a scholar of Buddhism, and I must confess that I do not have any great interest in the subject, and know little or nothing about it. I would, however, describe myself as a scholar of Pāli, even if I discover each year that I know less and less about the subject, and increasingly find that I accept less and less of whatever I thought I understood years ago. I regard my part in the connection between Pāli philology and Buddhist studies as being that of a consultant, and over the years I have had an extensive correspondence with those who wish to know whether the suggestions and proposals which they wish to make about Buddhism, based upon Pāli sources, are tenable and viable. To such enquiries I have occasionally had to say that, relying on the knowledge which I have of the subject, their suggestions are impossible or, rather, very unlikely (it is hard to be certain that anything is impossible in the field of Middle Indo-Aryan studies). Sometimes I can emphatically support the suggestion, and even give additional evidence. Most of the time, however, I can say little more than "Maybe", which is sufficient for them, they believe, to go ahead.

To return to the point which I tried to make at the beginning of this paper, it must be said that the Pali Text Society is well aware of the deficiencies of many of its editions, and, inevitably, of the translations based upon them. The problem is to know what to do about it. Faulty editions do not correct themselves by mere wishful thinking, and there is a desperate shortage of those who are both qualified to make satisfactory editions of Pāli texts and also willing to correct earlier editors' work rather than make an edition of some newly discovered work which they hope will have an earthshaking effect upon the world of Pāli and Buddhist studies when it appears. Quite often the amount of correction required in old editions is so great that a new edition rather than a corrected edition is required. When money is short, or workers lacking, then the Pali Text Society's general editor has himself, on occasion, made all the corrections that can be done by adding or removing diacritical marks and punctuation marks, with ink and whitener respectively. I have personally spent many hours in this way, preparing works for reprinting. When the Society decided to print the text so arbitrarily deprived of hyphens by the Founder's widow, it fell to my lot to put them all back in by hand, since it would have cost a large sum of money, inevitably reflected in the selling price of the book, if a printer had done it. Sometimes one's plans are upset by well-meaning people. I once spent many hours correcting a copy of a particular work for reprinting, only to find when I received a copy of the reprint that an over-zealous sub-editor, appalled at the number of handwritten corrections in the copy sent him for photographing, had searched high and low to get a 'clean', i.e. uncorrected, copy which he proceeded to send to the printers in place of the copy upon which I had worked so hard.

If the situation is to be improved, then action must be taken to increase the number of philologists working in the field of Buddhist studies. It is perhaps going too far to say that there is no shortage of those wishing to work in the field of

Chinese and Tibetan Buddhism, but certainly there are recruits coming forward in those fields. As I have, however, tried to make clear, Chinese and Tibetan, by themselves, are not sufficient for those who wish to specialise in Hīnayāna Buddhism. Sanskrit is clearly essential, and so too is competence in Middle Indo-Aryan, by which I meant not just Pāli but the whole range of the dialects coming under that heading, including those used by the Jains for their canonical and commentarial texts. As I have emphasized, the texts which we have in Pāli, no less than the Hīnayāna canonical texts which we have in Sanskrit, are translations from other dialects of Middle Indo-Aryan, and to understand how Pāli and Sanskrit texts came to be in the form in which we have them today we have to know as much as we can about those other dialects. Unless we can attract recruits to the field of Middle Indo-Aryan studies, then the supply of those with the necessary knowledge will dry up, and articles and books about Buddhism will continue to be written by those who cannot handle the language themselves and will consequently, of necessity, be dependent upon the unsatisfactory texts and translations which, with a few notable exceptions, we have at the moment.

HOW BUDDHIST IS THERAVĀDA BUDDHIST LAW?
A SURVEY OF LEGAL LITERATURE IN PĀLI-LAND

A. Huxley

1. Preamble

Buddhist Southeast Asia produced its own lively tradition of secular law texts. The tradition flourished from the twelfth to the early twentieth century in extremely diverse kingdoms. They were written by Siam, the large and expanding bureaucratic kingdom of the early nineteenth century, an international state by virtue of its many Chinese, European and Arabian visitors. And they were written in the 1890s by the tiny, semi-anarchic frontier state of Sipsong Panna hidden away in the mountains of Yunnan. My purpose in this paper is to describe and analyse this literature from the point of view of a legal historian, which means asking the following questions: is the tradition composed of one genre or many? Are the same genre rules applied consistently in different kingdoms? How much of a kingdom's definition of the scope and justification of its secular law, how much of its legal philosophy, can be reconstructed from the literature? And, above all, how far are we justified in applying the adjective 'Buddhist' to the secular legal literature?

The phrase 'Buddhist law' will signify to most of my readers the *Vinaya*, the canonical code regulating the daily behaviour of the Saṅgha. The *Vinaya* is Buddhist, first in the sense of its authorship, which enables us to judge the Buddha as a pragmatic organizer of human affairs, and secondly in the sense of its being found wherever Buddhism is established. To apply the adjective 'Buddhist' to a local Southeast Asian secular phenomenon may seem to devalue the phrase. This restrictive use may well be justified from the lofty perspectives of Buddhology, but it puts too much of a constraint on the concerns of Southeast Asian legal history. The early twentieth century colonial legal administrators in Cambodia and Burma made an assumption which I share. They expected to find legal rules, either oral or written, in use to regulate matters like criminal law, marriage, inheritance and ownership of agricultural land. When they found these rules in the secular law texts, they swiftly labelled them "Burmese Buddhist Law" or "the law of the Buddhist Laotians". They probably used the term 'Buddhist' to distinguish these from the Islamic legal practices which the French and British had come across earlier in Champa, Sumatra and the Malay peninsula. Insofar as Buddhology concentrates on India and China as its central areas of study, it can afford to ignore this secular law, which in both cultures was firmly established before the spread of Buddhism. I assume that in the India of Aśoka's time a Buddhist layman would follow the secular law of his subcaste and region. Only by becoming a monk could he change his legal status, "die a civil death" and adopt the *Vinaya* code.

In China also I assume a Buddhist layman to have been bound by imperial penal law and the local regulation of clan and trading association, with the difference that when he became a monk, he escaped from imperial control to a far lesser extent than his Indian colleague. But in other areas into which Buddhism expanded, in the Himalayan kingdoms, in Sri Lanka, in mainland Southeast Asia, Buddhism came as a civilizing force in the literal sense of the word. The introduction of written script and of well-developed theories and rituals of kingship precipitated the building of cities and the confederation of these cities by people whose most centralized achievement so far had been the market town. In these areas, where Buddhism is an important cause of the early stages of state-formation, secular law will be redefined in Buddhist terms as it comes to be written down.

The legal niche which Buddhism found already occupied in India and China here lies invitingly empty, and Buddhism reveals more of its inherent possibilities, as it helps develop the secular law. To talk of Buddhist secular law seems appropriate in the context of the Himalayan kingdoms, Sri Lanka and mainland Southeast Asia. Of the Himalayan kingdoms I am shamefully ignorant. Sri Lanka has produced no lasting tradition of written secular law texts, so I speculate on this absence towards the end of the paper, but otherwise ignore it. The area covered in the bulk of this paper can be defined as the predecessor kingdoms to modern Burma, Laos, Kampuchea and Thailand in the period A.D. 1044 to 1893, but since this is an impossibly cumbersome phrase, I shall replace it by the neologism Pāli-land. I invent the word to emphasize the important role that Pāli plays in Southeast Asia as a classical language. It is the language of the Buddhist canon, and of an enormous secondary literature supplying texts on matters as disparate as ethical homilies, *adhammic* psychology, social history and stories for popular entertainment. And it is also the *lingua franca* of the region's educated elite. The conversion to Theravāda Buddhism between the eleventh and the fifteenth centuries entailed the adoption of the Pāli Cultural Package, in which I include a script, language, literature, and the Saṅgha, as an organized institution. Southeast Asian secular law developed out of the Pāli Cultural Package as a whole—Buddhism in the widest cultural sense—rather than just from the Tipiṭaka—Buddhism in the narrow sense of its written canon.

Unfortunately, before discussing these comparative issues in sections 3 and 4, I have felt constrained to provide in section 2 a summary of my views on the problem of dating the legal manuscript traditions of each kingdom. I am painfully aware that such surveys are usually only of interest to those specialists with whom one disagrees, and I urge every reader whose interest is more casual to proceed straight to section 3. In the thirty years since Robert Lingat wrote the last comparative survey of Pāli-land legal manuscripts, whole new genres have become available (I think of Than Tun's translations of the Burmese *rajathat* genre) and whole new regional literatures have been unearthed (I think of Sommai Premchit's disinterment of Lan Na legal literature). At the same time many assumed facts of the 1950s are now in doubt. Michael Vickery has launched a challenge to the validity of any date given in any palm-leaf manuscript. I find his scepticism inspiring, and have tried to imitate it in my dating of the Burmese

dhammathats. But I concede that this type of argument, in which one must rigorously expose one's every assumption, does not make for a light reading.

2. Legal texts in the three sub-regions

Even a cursory glance at the surviving Pāli-land law texts is sufficient to show that they fall into three sub-regional traditions. To these I shall assign bland geographical labels. The area comprising Ramannadesa, Burma and Arakan I label the western region. Siam and Cambodia I label the Eastern region. Thus far I am following Lingat, who used the generic terms 'Burma' and 'Siam' to convey the same distinction. But, based on discoveries and translations of the last twenty years, I add a northern region, comprising Lan Na, Laos, the Shan States, Keng Tung and Sipsong Panna. This region had reached heights of state organization in the three centuries following the Mongol invasions which it was never again to attain. We now know just enough about the legal literature produced during these centuries of ascendancy to risk some generalizations about it.

I shall argue that the legal philosophy in each of these sub-regions is different. I mean by this that each sub-region made different assumptions about the proper scope and function of the texts, the proper authors of the texts and the reasons why and the degree to which the texts should be obeyed. Nevertheless, I shall argue, the three sub-regions have interrelated traditions, and enough in common to justify a common label as "Southeast Asian Buddhist laws". What unites the otherwise disparate sub-regional traditions is also what is most 'Buddhist' about them. To answer the question "How Buddhist is Theravāda Buddhist Law?" is also to discuss the question "To what extent do the laws of the Theravāda Buddhist kingdoms form a distinctive class?"

2a. The law texts of the western sub-region

The law texts in this region describe themselves as belonging to three separate genres of *dhammathat*, *rajathat* and *pyatton*. I shall describe each in turn, paying special attention to a couple of works which, by transcending their genre, appear as milestones of indigenous legal development.

Dhammathat

A *dhammathat* in Burma is a written collection of legal rules: it must deal with certain basic topics, such as inheritance, marriage and property disputes, but otherwise its author is free to cover what legal topics he chooses. The unique feature of the Burmese *dhammathat* genre is that different kinds of authors wrote within it for different kinds of reasons. Poets could specialize in versifying the dhammathats: in the eighteenth century the Wannudhamma Kyawdin wrote four separate *dhammathat* poems. Classical scholars could translate them into Pāli, grumbling as they did so that "a law book in the Burmese vernacular is like water

without a jar to keep it in."[1] And men who had served the king as a military commander, or as a governor, could end their careers on a reflective note, not by writing their memoirs, but by composing a *dhammathat*.

By the nineteenth century all these texts had accumulated to form a genre described by Tambiah as "almost excessively luxuriant".[2] But in the last hundred years they have suffered a ruthless culling. Jardine and Forchhammer, the first European scholars to be interested in the Burmese law texts, complained that many of the *dhammathats* listed in the pre-colonial Royal Library Catalogue had been destroyed during the British sack of Mandalay. After the even greater destruction sustained during World War Two, many of the texts which they worked on are lost to us. Those manuscripts which survived these vicissitudes were protected from the inquisitive hands of non-Burmese for some decades, but are now available again through the Osaka University / Burma Historical Commission Microfilming project.[3] Early colonial scholarship assumed that the texts went back to a fifth century A.D. Hindu source.[4] But postwar Burmese scholars, in particular E Maung, Shwe Baw, and Kyin Swi,[5] have shifted the argument about dating onto a new plane. They remind us to be extremely cautious in assigning dates earlier than the seventeenth century to any surviving *dhammathat* text. Assigning earlier dates can only be speculative, because of the physical nature of parabaik manuscripts, which become illegible and need recopying in the Burmese climate at least every 200 years. (Our earliest surviving manuscript copy is dated A.D. 1749.) We must remember that one who copies a lawbook has much more excuse to alter inconsistencies and anachronisms than one who copies the sacred canon. In order to date a text earlier than the date of its surviving manuscript , we must look at the historical traditions associated with each title, which are reproduced internally in the exordium of each text, and externally in pre-colonial, mainly nineteenth-century, works of literary history and bibliography. When these sources agree on the author, the rank he held and the approximate date of composition, we can accept the information. When these sources disagree, or when it is uncertain which text they are referring to, or even when their claim to antiquity seems inherently overstated[6] then we must assign a date no earlier than the manuscript itself.

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[1] See the exordium of Winisaya Pakathani [D19] written c. A.D. 1771. References in this form: [D19] are to the "List of 36 *dhammathats* in chronological order" in the Kinwunmingyi's Digest. This has been widely adopted as a master identification list.

[2] S.T. Tambiah, Bridewealth and Dowry, Cambridge, 1973, 182.

[3] They are catalogued in Centre for East Asian Cultural Studies, "List of Microfilms Deposited in the Centre for East Asian Cultural Studies", Part 8: Burma, Tokyo, 1976.

[4] The empire they served had declared Burma to be a part of India. Many of them, like Jardine, had served in India and knew its legal literature before coming to Burma.

[5] E Maung, *The Expansion of Buddhist Law*, Rangoon, 1951; Shwe Baw, *The Origin and Development of Burmese Legal Literature*, Ph.D. thesis, London, I.A.L.S., 1955; Kyin Swi, *The Judicial System in the Kingdom of Burma*, Ph.D. thesis, London, I.A.L.S., 1965.

[6] *Manussika*, [D2], is an example of this case. It is reported to have been written during the time of the Kassapa Buddha, whom Buddhist chronology held to have lived 7000 years before Gotama!

Following this procedure gives us some safe dates for the better known *dhammathats* of the seventeenth and eighteenth century, but will not allow us to ascribe any earlier dates. Luckily some of the well dated *dhammathats* tell us that they are based on earlier works. *Dhammathatkungya* [D6], written c. A.D. 1613, says it is based on *Manosara* [D1], *Manussika* [D2] and *Dhammavilasa* [D4]. *Manuwunnana* [D16], written c. A.D. 1760, says it is based on the same three earlier works, along with two others and fourteen *Great Pyattons*. We can safely put D1, D2 and D4 into the group of earliest *dhammathats*, though we as yet have no reason to believe them earlier than the sixteenth century. *Wageru* [D5] must be added to this group, since it bears the name of a Mon king who reigned c. A.D. 1272, and since the Kinwunmingyi puts it earlier than the well-dated D6. We now have a group of the four earliest surviving *dhammathats* which I shall compare with three specimen *dhammathats* from the seventeenth and eighteenth centuries to see if any historical change is evident.

The earliest surviving dhammathats—pre-seventeenth century

One way to check whether any of this group can be dated as early as the Pagan period (A.D. 1044 to 1300) is to refer to the voluminous stone inscriptions which have survived from that period. Than Tun has found a reference to "deciding a dispute by consulting the *dhammathat*" and another to an *amunwan ca*, which appears to be a written book of punishments.[7] Both date from A.D. 1249. These certainly show that written legal texts were in use towards the end of the Pagan period, but they do not help us to identify any of our four *dhammathats* as having been used in Pagan. Aung Thwin pursues a more promising line, and has unearthed thirteenth-century inscriptions which confirm some of the details supplied by nineteenth-century tradition as to authorship of *Dhammavilasa* [D4]. The tempting conclusion is that *Dhammavilasa* [D4] can be safely dated to the early thirteenth century, but a problem intrudes. The surviving text is in Burmese, while the exordium states that it was written originally in Pāli, before being translated into Mon. Was our Burmese translation made during the Pagan period, or as late as the sixteenth century? The text we possess mentions "earlier *dhammathats*" which could be an indication of lateness. What convinces me that the translation dates back to Pagan is the textual history of another *dhammathat* altogether.

Kyetyo [D35] is one of the two surviving *dhammathats* from Arakan, the long coastal strip running from Bengal to the Irrawaddy delta. Arakanese speak a dialect of Burmese, are Theravāda Buddhists, and were incorporated into the Pagan empire. But the Arakan kingdom was independent and culturally isolated from Upper Burma behind the mountains of the Arakan Yoma from the fall of Pagan until 1784 when, weakened by the machinations of Portuguese traders, a Janissary revolt by Afghan and Turkish mercenaries, and two earthquakes in the capital city, it fell to the Burmese king. The *Kyetyo* manuscript dates to 1762, and is a rearranged version of *Dhammavilasa* written in the local Burmese dialect. Unless all our guesses as to the early history of the *dhammathats* are wrong, a text of

[7] Than Tun, "The Legal Systems in Burma A.D. 1000–1300", in *BLIJ*, 1959, 173–74.

Dhammavilasa must have entered Arakan during Pagan's hegemony. *Kyetyo's* exordium states:

> "Manu's *dhammathat* was too brief, and had too many difficult words, therefore Thera Dhammavilasa wrote a larger edition and explained the difficult words."[8]

This surely must imply that *Dhammavilasa* [D4] was translated into Burmese if not by Sariputta himself, at least during the Pagan era. One of our group of early *dhammathats*, then, is demonstrably a version of a Pagan era *dhammathat*, though of course it may contain interpolations from any subsequent period.

Have we enough information to date any of the other three? I think not. Strong historical traditions link *Wageru* [D5] with the eponymous Mon king who ruled c. 1272.Very likely these traditions are correct, but they must refer to a Pāli or Mon original, not to our text which is a Burmese translation. Literary tradition links the Burmese translation of *Wageru* with the name Buddhaghosa, but ascribes a date one hundred years later than when the famous Buddhaghosa flourished. This later date seems reasonable; I would therefore assign the Burmese translation of *Wageru* to the mid-sixteenth century. There is no external evidence to date *Manosara* and *Manussika*. The information about the *dhammathats* of the sixteenth century and earlier can be tabulated as follows:

D1 *Manosara*	D2 *Manussika*	D4 *Dhammavilasa*	D5 *Wageru*
Author: ?	?	Sariputta, monk, c. A.D. 1231	Mon King, c. 1272
Language: Pāli, then Mon	Burmese	Burmese, but originally Pāli and Mon	Burmese, but originally Pāli and Mon
Judgement tales: (none)	10	5	(none)
Manu 2 sons: Manu and Subhadra	None	simple cowherd—cucumber tale	1 son: no cucumber tale
Heads of Law: says 15 uses 17	says 17 uses 18	15	18

I have set out some salient differences between the four works in laconic form. After headings specifying the traditional author, and the language of original composition, I give the number of judgement tales found in the text. These are stories or fables describing the decision of a wise judge (who can be human, animal, or the future Buddha). The stories sometimes illustrate a rule of

[8] Shwe Baw, *op. cit.*, chapter 2.

substantive law, but more often demonstrate a clever way of collecting and evaluating evidence. They are, I shall argue, characteristic of Pāli-land legal literature generally. The next heading, *Manu*, refers to the myth that is often used to legitimate these *dhammathats* by placing them in the context of Buddhist history and political theory. The earliest Burmese *dhammathats* present three versions of the myth, none of which can be shown to be earlier than the others. There is no reason to take any one version as basic or archetypal. The last heading, *Heads of Law*, refers to the way the *dhammathat* author has organised his material. The Hindu *Manu Dharmaśāstra* famously uses 18 heads of law as chapter headings for separate discussion of different kinds of dispute. Some of the early *dhammathats* quote a similar list, and *Wageru* and *Manussika* in fact divide their text into 18 chapters. But in no case is the list quoted or used identical to the list used by the Hindu Manu. The impression is of Burmese authors who have heard of the Indian tradition of 18 heads, rather than of authors who are writing with a copy of the 'Indian work' open on their desk.

The seventeenth-century dhammathats

Of the three important works which can be safely ascribed to the seventeenth century, the earliest is *Dhammathatkungya* [D6], which E Maung[9] dates to 1613. The exordium specifically declares it to be a second generation *dhammathat*:

> "This is a compilation of laws in *dhammathats* and *pyattons* so that people can see them as clearly as they see a flag [=*kungya*] from a distance."[10]

The other two are the works of Kaingza, who acted as legal advisor to King Thalun (1629–1648). The salient details of these three works can be tabulated as follows:

D6 *Dhammathatkungya*	D7 *Kaingza Shwe Min*	D8 *Maharajathat*
Author: Pyanchi, Prince of Pagan c. A.D. 1613	Kaingza	Kaingza
Based on: D1, D2, D4 plus *pyattons*	D1	(*sui generis*)
Language: Burmese	Pāli, followed by Burmese tradition	Burmese
Judgement tales: 1	1	16
Manu ?	(?) 2 sons	(none)
Heads of Law: says 18, uses 11	10 sections	24 queries

[9] E. Maung, *The Expansion of Burmese Law*, Rangoon, 1951, 8.
[10] Shwe Baw, *op. cit.*

Kaingza has attracted much attention in recent years as the most important single individual in the development of Burmese legal literature. Okudaira credits him with "audacity and far-sightedness in presenting his work in the vernacular when Pāli was deemed to be the language of the legal elite" and with fostering the closer association of written law with Burmese sentiments and institutions. He asks: "Kaingza stands alone in the history of the Burmese legal literature… shouldn't he be given more credit that he so justly deserves?"[11]

Kaingza's reputation rests on two surviving works. His *dhammathat* (D7 *Kaingza Shwe Min*, sometimes called the *Manosara Shwe Min*), which was explicitly an update of *Manosara* [D1], seems to have been written first. The later work, the *Maharajathat* (D8) is a new kind of literature altogether, perhaps best described by the Roman Law term *responsa.* Confusion has arisen over what genre to place it in because it is traditionally listed as a *dhammathat*, bears the title of a *rajathat*, and describes itself in its exordium as a *pyatton*. It takes the form of 24 sets of questions posed by the king and answered by Kaingza

Many of the questions concern legal proverbs or saws which were evidently alive in the oral tradition. King Thalun wants to know which of them adequately summarise current law. Others ask for detailed rulings on the kind of legal problems (inheritance, liability for debts, divorce, redemption of slaves, compensation for theft) which were traditionally *dhammathat* subject matter. Question 20 deals with offences against public order and status, the subject of the king's special jurisdiction, while Question 22 and 23 cover monastic issues, which are subject to the rules of the *Vinaya*. That the work unites such different subject matter is itself of interest: they were evidently all considered as 'legal questions' in the seventeenth century, just as they would be in the twentieth. The tone of Kaingza's answers, though, is the chief surprise. One catches, for the first and only time in the pre-colonial Pāli-land texts, the voice of Benthamite rationalism. I quote from Shwe Baw's full translation:

> "When a party's witness takes the oath, and subsequently dies within a month, the verdict already given shall stand."
>
> "The *dhammathats* in Burmese do not mention these terms. Neither do the Pāli *dhammathats*. But a Mon *dhammathat*, the rules of which are followed by the Mon people, says that…"
>
> "Writers on law have clearly stated that all the provisions in the *dhammathats* need not be followed, that the provisions which deserve to be ignored should be ignored."[12]

[11] R. Okudaira, "The role of Kaingza Manuraja", in *Ajia Afurika Gengo Bunka Kenkyu*, 27, 1984, 185.
[12] Shwe Baw, *op. cit.*, vol 2, 1–218, pages 211, 18, and 27 respectively.

I cannot agree with Okudaira's emphasis on Kaingza's choice of Burmese in which to write. By my calculations at least four important *dhammathats* were available in Burmese text before Kaingza. But I certainly share Okudaira's admiration for Kaingza's talents. In Burmese literary terms he appears as a solitary genius, a man born 300 years before his time. In a forthcoming paper I shall examine the proposition that the *Maharajathat* is the visible tip of a hidden iceberg—the only surviving indication of how Burmese professional lawyers thought about the law.

The eighteenth-century dhammathats

After Kaingza, authors either had a legal or a literary motive for writing *dhammathats*. The best known legal work is *Manugye* (D12) written about 1760. As representative of the literary group I have chosen *Manuwunnana* (D16), written about 1763, more or less at random: three others like it have also been published and partially translated. My third eighteenth-century dhammathat is from the legal, rather than the literary, sub-genre, but its provenance is unique: Sangermano's *dhammathat* is known to us only in a 40-page summarised translation first published in 1833.[13] Father Sangermano was in Burma between 1783 and 1808, and appears to have made his abstract and translation after consultation with lawyers and learned men from Rangoon and perhaps Ava. Whatever text he was relying on (none of the surviving Burmese texts are remotely similar), he appears to have drawn also on an oral professional tradition. On some points, such as abatement of actions, Sangermano's *dhammathat* is the only one to give us a workable rule; on others he gives us information on current business practice that would not automatically have come to the notice of a Christian missionary:

> "If a person does not pay off a mortgaged loan within five years, he is only bound to one half of the original sum. (In consequence of this law money lenders among the Burmese are very solicitous to have their money back before three years are expired, and if the debtor is unable to repay it, they will make him give a new bond, that thus they may continue to receive the interest of the money they have lent.)"[14]

A tantalizing hint of the kind of text Sangermano was working with comes from Halliday, who read one of the four Mon language *dhammathats* held in manuscript by the Bernard Free Library, Rangoon.

> "I have only been able to examine one copy of a (Mon) *dhammathat*, but in that the first leaf was missing and there was no indication of authorship. It more nearly corresponds with the Burmese *dhammathat* which was before Sangermano than any other I have seen described. Like Sangermano's it is in ten books."[15]

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[13] V. Sangermano, *A Description of the Burmese Empire*, Rome, 1833, reprinted London, 1966, chapter 24.
[14] Sangermano's *dhammathat*, vol. 5, 22.
[15] R. Halliday, *The Talaings*, Rangoon, 1917, 137.

Unfortunately, I have seen no indication that this Mon manuscript has survived World War Two. On the next page I summarize some comparisons between these three works in tabular form. All are of the third generation, in the sense that they incorporate seventeenth-century traditions into their text. From the literary side, *Manuwunnana* (D16) quotes some of Kaingza's solutions (in D15 and D19 the same author has translated both of Kaingza's works into Pāli verse). From the legal side, Sangermano's *dhammathat* alludes to the rule apparently introduced by Kaingza that interest on a debt cannot exceed the sum lent, while *Manugye* is steeped in Kaingza-isms.

D12 *Manugye*	*Sangermano's Code*	D16 *Manuwunnana*
Author: Bhummajeya, in charge of moat at Shwebo	?	Wunnudhamma Kyawdin, also wrote D15 and D19
Based on: (very syncretic)	(like a surviving Mon *dhammathat*?)	6 *dhammathats*, incl. D1, D2, D4
Language: Burmese	Burmese	Burmese verse
Judgement tales: 37	none, but did Sangermano edit them out?	at least two
Manu Most elaborate 12 cases plus 7 cases; 7 year old cowherd	2 sons: Menu & Mano	elaborate; 2 versions of 7 cases
Heads of Law 14 volumes, some specializing	10 volumes, some specializing	A fivefold division standard also to D15, D17 and D17

How the Mon dhammathats relate to Burmese traditions?

Though in 1056 the Mon kingdom of Ramannadesa was conquered by Pagan, it regained independence first for one hundred fifty years following the fall of Pagan and again more briefly in the eighteenth century. In the nineteenth century it was separately ruled for a further thirty years as part of the British colony of Lower Burma. These periods of independence from the capitals of Upper Burma no doubt aided the preservation of the Mon texts. We have already seen that four Mon *dhammathats* survived into the twentieth century. Of these I can say nothing. They have not been translated, and it is not clear whether the manuscripts still exist. Eight handwritten Mon legal texts have recently come to light in the Moulmein National Library, but alas only their titles have been published.[16]

[16] R. Okudaira, "The Burmese Dhammathats", in M.B. Hooker, ed., *The Classical Law Texts of South East Asia*, Singapore, 1986, 34.

For now *Wageru* (D5) is the only available exemplar of the Mon *dhammathat* tradition. Does it, as Forchhammer claimed, show that all the Burmese traditions rest on Mon models? If, as I have argued, neither portions of text from nor the general organisational principles of *Wageru* are incorporated into subsequent Burmese works, then *Wageru* itself is not part of Burmese traditions. Yet the supposition of a Mon origin for Burmese *dhammathats* has been universally accepted. Pagan's high culture began to emerge in 1056 after it had helped itself to the alphabet, libraries, scribes, religion and monks of Ramannadesa. In the absence of any evidence we must assume that among this booty was at least one Mon legal text, probably written in Pāli and possibly taking some technical terms and principles of organization from the Hindu Manu *Dharmaśāstra*. Our earliest surviving *dhammathats* are 200 years later than this presumed Mon source, and may be based on intermediate texts which have not survived. They contribute nothing to proving the Mon origins of the Burmese tradition, though this still remains the best available guess.

Our texts do, however, establish a different and no less interesting point: in each of the three periods we have examined there is evidence of Burmese interest in contemporary Mon *dhammathats*. In the earliest period we have the preservation of *Wageru*'s text and the tradition that *Manosara* (D1) and *Dhammavilasa* (D4) were translated into the Mon language before the Burmese. In the seventeenth century we have Kaingza's citation of an unnamed Mon *dhammathat* which I quoted above. And for the eighteenth century we have Halliday's remarks about the similarity between Sangermano's *dhammathat* and the Mon work that he was able to examine. While there is only a slight suggestion that the Burmese *dhammathats* were at all influenced by Thai traditions, there was continuing interaction between Burmese and Mon *dhammathat* traditions right up to the nineteenth century. For these reasons, when considering the division of Pāli-land legal texts into regional sub-traditions, I shall treat Burmese and Mon *dhammathats* together.

Has the dhammathat genre changed through time?

The first group, from the sixteenth century and earlier, already show the characteristic Burmese plurality of sources. A specialist profession of pleaders had been in existence from the Pagan era. Since there was no single authoritative *dhammathat*, the legal argument of these pleaders must have been argument as to which rule from which *dhammathat* was applicable. The paradox that several different texts each derive their legitimacy from being transcribed by Manu from the boundary walls of the universe seems to have been first addressed by Kaingza. He pointed out the gap between the theoretical basis of authority and the actual practice of rewriting and revising the older works. He attempted to substitute the authority of the tradition as a whole for the historical authority of a given work within the tradition. In European terms, he explicitly promoted a common law approach of argument within accepted parameters, in place of a civil law approach of argument from one authoritative text.

In the eighteenth century the *dhammathat* tradition split between those authors with a legal interest, who followed Kaingza, and those with a literary interest,

whose versifications and Pāli translations were meant to re-establish the historic resonances, literary values and popular incomprehensibility of *dhammathats* before Kaingza, even while incorporating his changes to substantive law. The main characteristic separating the 'legal' from the 'literary' *dhammathats* lies in their approach to material from previous works. While the poets prefer a mechanistic, scissors and paste, approach to their predecessors, *Manugye* and Sangermano's *dhammathat* try to give practical answers to problems by attempting a genuine synthesis of conflicting or parallel textual traditions. In a forthcoming paper I illustrate these differences by examining different traditions on the highly technical question of which actions abated on the death of a king. The peculiar mixture of Indian technical vocabulary and Buddhist ethics seems to me to be as present in the earliest group as in the last two. I cannot agree with those who see a 'buddhization' in the seventeenth century of what had previously been 'de-Hinduized secular texts'. On the other hand the 18 fold division of law, which is assumed to be a Hindu borrowing, is only partially present in the first group and has almost vanished in the last two. The use of judgement tales, which we find in half the early group, was revived by Kaingza in his *Maharajathat* (D8). He appears to have enjoyed telling them and must presumably have considered them to have an educative function. The fashion he set was taken to extremes by *Manugye* (D12) in the next century; if judgement tales are a popularizng touch we can take it that *Manugye*'s author was aiming at a popular audience, in contrast to the literary elite whom his contemporaries addressed.

In short, Burmese pleaders, from the tenth to the nineteenth century, have enjoyed the ability to argue from several alternative *dhammathat* texts. Kaingza's *Maharajathat* promoted rational forms of arguing for the priority of a particular rule, so that after Kaingza we can almost speak of an autonomous domain of legal thought in Burma similar to that which his contemporary professional colleagues in Europe were developing. Though later legal authors adopted many of Kaingza's solutions to particular legal problems, they did not imitate his chosen genre—that of the *shaukton* or expert's response to a king's request for specific knowledge. To what extent did the Burmese legal profession adopt Kaingza's more rational approach to the *dhammathats* as a source of law? Research among the surviving *pyatton* literature may be able to suggest answers to this question.

Rajathat

From the eleventh to the nineteenth centuries, the legal literature describes *dhammathat* and *rajathat* as the main sources of law. But it is not clear which texts are designated as *rajathat*. Etymologically the word indicates a book connected with the king. Some scholars have interpreted this as implying a book addressed to and containing advice for the king, and have assumed that '*rajathat*' applies to some Burmese work analogous to Kautilya's *Arthaśāstra* or the *Rājanīti* collections. Now that Than Tun has made available the vast surviving bulk of *ameindaw* or Burmese Royal Orders[17] it seems better to interpret *rajathat* as a book written by

[17] Than Tun, *The Royal Orders of Burma A.D. 1598–1885*, Tokyo, vols. 1–7 published 1984–1987. References to this work are cited '*ROB* date' thus *ROB* 18-3-1806.

the king which can act as a source of law. On this reading *rajathat* is a subclass of *ameindaw*. All *rajathats* are *ameindaw*, but not vice versa. The obvious questions which this reading must answer are: 1. which *ameindaw* were *rajathat*?; 2. and were these *rajathats* 'legislation' in the modern western sense? I shall deal with the second question in s.3(a). Here I shall suggest an answer to the first question. No doubt every casual word uttered by a Burmese king inspired awe, agreement and obedience. The term *ameindaw* describes only what the king has ordered *ex cathedra*. The formal setting triggered the court bureaucracy's machinery for writing down, dispatching and enforcing these royal orders. We get a glimpse of the public face of this procedure in Caesar Frederick's account of royal decision making in Pegu in A.D. 1569:

> "The king sits with the barons below him. People with written supplications sit 40 paces distant, each with a gift. Secretaries read the supplication—if the king acts for them he takes their gifts; if not he does not."[18]

While the private, or bureaucratic side, is described in standing orders issued 200 years later:

> "For dealing with one of the various petitions, write an order first in a *parabaik*, then on a long tapering toddy palm leaf called *sa gyun*. Get it checked by (another officer), and then sealed for dispatch by (a third)."[19]

The *parabaik* copies which were kept as the court record of each order did not survive the fall of Mandalay to the British. But copies of the orders were made from time to time by private individuals, and it is these which Than Tun has carefully collected, collated and published. Only a small fraction of this wealth of material is of legal interest, because the issuing of a Royal Order was the appropriate form of action for the king in all his public roles. To set the context in which these legal orders fall to be considered, I shall first give some examples of Royal Orders dealing with the king's several roles.

1. The king as military commander:
   "The king's brothers shall march against the wild people of the north with 10,000 fighting men."[20]
   "Severely reprimand the princes for inadequacy in dealing with the problem of deserters."[21]

2. The king as guardian of religion:

[18] Haklut's Voyages, vol. X, 127.
[19] *ROB* 29-10-1757.
[20] *ROB* 27-4-1604.
[21] *ROB* 14-5-1806.

"A forest recluse called Shin Indasara has compiled a text of his own and made himself a sophist. Collect and burn all copies of his work; Indasara is to leave his monastery and henceforth shall wear white robes."[22]

3. The king as organizer of the calendar and ritual observance:
   "Declare 1598 to be a year with an intercalary month."[23]

4. The king as head of patronage:
   "Nga Pu is appointed Chief of Workers who use Curtains to cover Unsightly Things from the Royal View."[24]

5. The king as arbiter of court style:
   "Give loincloths bigger than normal sizes to the Guards of the Palace."[25]
   "Ladies of the court who disobeyed my warning against cutting their hair short shall be imprisoned. The slave women who acted thus are to be drowned with big stones tied to their necks."[26]

6. The king as judge of appeal in individual cases:
   "The decision made by Judge Letwe Bi Nan Thu in the case of the annually flooded vegetable gardens on Ah Laung Island is approved: it shall be the final decision."[27]

7. The king as "Minister for Legal Affairs". Here the king lays down policy for his subordinates to follow. Sometimes the subordinates are the judiciary:
   "When a father dies serving in the army, his military equipment devolves on the son who replaces him, rather than devolving by *dhammathat* rules."[28]

and sometimes the bureaucrats supervising them:

"Do not establish a Law Court in Upper Badon township; establish it in Badon town proper in a building with a double tiered roof."[29]

But, with one exception from the Pagan era, we never get an order about law addressed to the subjects as a whole. General promulgation appears to be irrelevant to the king's needs: what matters to him is that the order has been transmitted to the correct functionary. The term *rajathat* best describes this last group of orders. Though the king's decisions under head 6 would also be of legal relevance, *rajathat* has connotations of generality that would not apply to the king's decision to confirm or deny an appeal. I concede, however, that the king's activities as chief judge (6) would often stimulate him to issue a generaliszd order (7). Many of these orders date from the beginning of a reign. In these the king,

[22] *ROB* 6-7-1799.
[23] *ROB* 30-3-1598.
[24] *ROB* 3-3-1806 s.3.
[25] *ROB* 19-4-1664.
[26] *ROB* 27-4-1806.
[27] *ROB* 8-5-1795.
[28] *ROB* 11-8-1692.
[29] *ROB* 16-5-1795.

taking over the direction of the bureaucracy, issues a new set of standing orders to his subordinates. Prince Nyaungyan, for example, uses his accession order to urge the officials to adopt a sort of public school ethos:

> "s.40 Do not give much favour to your wife. s.41 Have time to improve yourself by learning from or discussing with learned men. s.42 Sleep only one third of the night time."

Most of these accession orders contain general instructions for peace keeping and dispute settlement. By the end of the seventeenth century these give quite detailed rules on substantive law which the judges are now to apply. Examples such as *ROB* 3-3-1782 on debt or *ROB* 5-10-1692 on inheritance lay down law to be applied by the populace generally, but are addressed solely to the judges. This also describes the form of the Praetor's Edict in pre-classical Roman Law, though the parallel is inexact. The tone of the Praetor's Edict is one of Weberian formal rationality, that is of rational choice between law reform options according to criteria which are widely shared among the legal specialists. The tone of the *rajathats* by contrast is one of ceaseless struggle against the venality of the king's subordinates. They betray an overriding preoccupation with controlling abusive procedure on the part of judged and governors. Since the chief judge in a provincial town held all the other trappings of power, and since court fees were an important part of his personal revenue, the judicial process was in continual danger of becoming an extortion racket. Provincial chiefs and the eaters of revenue from a town had quickly discovered that revenue collection could be maximized by using the repressive power of the law, since their subjects placed a conveniently high value on being released from jail. The king acted as the people's champion against the regional Big Men for two reasons. In canonical social theory administration of justice is the king's first and foremost duty; abusive legal procedure therefore reflects badly on the king. Second, the wealth syphoned off by venal governors was wealth that might otherwise have gone into the king's own pocket: toppling the overweening functionary could be a source of revenue extraction for the king.

A late seventeenth century *rajathat* demonstrates how statements of substantive law, which may be conscious acts of law reform, are subsumed in a general context of denouncing abusive procedure. The legal point (the validity or otherwise of a will) is of some interest; it formed the subject of a debate which ensued in the early years of this century , when British judges interpreted Burmese law to disallow succession by will. But note also the mischief against which the order as a whole is directed:

> "s.1 Distribute the property among the relatives when a person died without any heir.
> s.2 But when a wealthy person died without any heir, officers of the locality shall do nothing but report it to a minister.
> s.3 If an officer seized any portion of the property so left by a person who died without any heir, he shall repay ten times the value of the things he had taken and he and his family shall be severely punished.

s.4 When a deceased person left a will, it shall be given due consideration.
s.5 When a judge has been requested to do the division of the property among the heirs, the fees should not be too much; it should only be a nominal charge."[30]

This text, and others like it, are apparent examples of conscious legislation. But the context shows that changing the rules of law to be applied is subordinate to, perhaps a by-product of, the urgent and unceasing need to control his officials' abuse of their peace-keeping powers. The Burmese king was too concerned with the latter to have sufficient time to pay attention to the former. Only in the nineteenth century, when King Mindon introduced salaries for his judiciary, was the requisite structural change made; history, in the shape of the subsequent British invasion, has not allowed us to see what effects this structural change might have brought about. But there is one *rajathat* which gives little attention to abusive procedure, and concentrates on laying down generally applicable rules of law. This is King Badon's Edict of 28-1-1795[31] which leaps out of its genre limitations to approach the western model in much the same way that *Maharajathat* (D8) defines a new world of rational legal discourse within the *dhammathat* tradition. I shall be referring to this text frequently henceforth. For convenience, and since it is unique, lengthy and heavy with Pāli scholarship, I shall designate it as "Badon's Big One". It is a consciously literary document which intersperses its statement of legal rules with more than twenty judgement tales and much quoting of the numerical lists of qualities which the Tripiṭika supplies in abundance.[32] Perhaps in conscious reaction against the folksy flavour of the judgement tales in *Manugye* (D12), these tales are all taken from the canonical *Jātaka*.[33] In quoting them the king is claiming the authority of scripture, while *Manugye*'s author was content to claim the authority of oral traditions. The legal rules that scripture is being used to authorise are redolent of the increased, more bureaucratic, exercise of state power:

"s.5 I have issued the standard weights, baskets, etc which are customary and which are in accordance with the prescriptions found in the texts. Use only those that I have authorised to use."

"s.8 Decide boundary disputes in accordance with the land records collected in 1783."

[30] *ROB* 5-10-1692.
[31] Translated most recently by Than Tun: "The Royal Order of King Badon", *Asia Afurika Gengo Burka Kenkyu*, 26, 153. As with other Burmese *rajathats*, I am quoting Than Tun's translation.
[32] s. 81 for example, refers to the three qualities of a king, the four Saṅgha laws, the five forms of strength, the six qualities of a leader, the seven factors observed to keep prosperity from diminishing, and so on up to the twelve means of having a military success.
[33] Than Tun gives details of all the canonical sources in the article just cited.

"s.14 Ministers (of the capital city) must not deal directly with the eaters of towns. They must send instructions through (an intermediate official)."

Sometimes, indeed, we catch an echo of Kaingza:

"s.21 In trying cases, not all *dhammathats* or *pyattons* give analogous precedents. Decide as the case deserves is the guiding principle."

Badon's Big One more nearly approaches the spirit of western legislation than any other Burmese *rajathat*. It is unique in the surviving legal literature[34] in its assumption of increased legislative competence and its literary affirmation of Theravāda canonical traditions. At the very end of the eighteenth century the *rajathat* tradition was poised to modernise the legal system by legislative fiat. Yet in the nineteenth century the promise was to be unfulfilled.

Pyatton

Burmese use the term *pyatton* indiscriminately to include two kinds of texts which I would prefer to separate. On the one hand it means a collection of judgement tales—one might call them fictional law reports; on the other it means a collection of reasoned decisions given in real cases. To English eyes reared on a doctrine of binding precedent, the effect of lumping these sources together would be to give a spurious persuasiveness to the mythical judgement tales. The Burmese, however, thought the opposite: the judgement tales were inherently persuasive through their venerable age and connections with the Tipiṭaka: the authority of real law reports could only be enhanced by association with them. These judgement tales draw on the same story telling traditions that have supplied other Burmese legal genres. The folksy, Southeast Asian stories that occur in *Manugye* also appear in the Princess Learned in the Law *pyatton*, while the more formal *Jātaka* stories from the Indian subcontinent that are incorporated into Badon's Big One can be found in the *Mahosot pyatton*, based on *Jātaka* no.546, and the *Candakumara pyatton*, based on *Jātaka* no.542. It was to remove barriers of language and length[35] that these portions of the Theravāda Canon acquired a separate "Reader's Digest" existence in *pyatton* form. But their literary interest is infinitely greater than their legal interest. Precisely the reverse is true of the other *pyattons*—the genuine law reports—which are an important genre of legal literature.

How old is the genre? *Dhammathatkungya*, written in 1613, and *Manuwunnana*, written in 1764, claim to be based on *pyattons* as well as *dhammathats*, so the genre must be sixteenth century or earlier. Were they known as early as the Pagan period? Some of them bear names of early kings, like the *Alaungsitthu pyatton* named after a king of Pagan, and the *Duttabaung pyatton*, named after the founder of the older city of Prome, but this is weak evidence. The temptation for a legal document to claim false antiquity is ever present and must be constantly

[34] Though there are internal indications of precursor texts that have not survived, issued either earlier in Badon's reign or under a previous king.
[35] *Jātaka* no. 546 alone is the length of a good novel.

discounted. Strong evidence about Pagan can only come from the surviving epigraphy, which Aung Thwin has sifted for information about law:

> "The litigants had taken the case to the Appellate Division because, as one stated, no satisfactory decision had been reached at the first two levels… The decision was subsequently declared, written down by the judges in palm leaf books called *Atuin Phrat Ca* and affixed with the seal of the court as well as those of the individual judges, then stored. These decisions were collectively called *Amu Kwan* or *Amhat Kwan* (literally 'legal case documents') and must have been the basis for later expansion of the legal code."[36]

Pyattons, like the other characteristic features of Burmese law, were already in use in Pagan. The phrase "judgement according to *dhammathat* and *pyatton*" is as much a cliché of legal texts as the phrase "judgement according to *dhammathat* and *rajathat*". This, and the fact that *pyattons* were explicitly cited as source material by *dhammathats* indicates that Burmese law was, to some extent, 'case law'. This follows logically from the Burmese commitment to a plural *dhammathat* tradition, to the ascription of authority to the genre as a whole rather than to one work within that genre. Legal argument where one, usually sacred, book is the sole source of law is formally restricted to argument by analogy and scholastic arguments of interpretation. But when argument between plural authorities is allowed, be they precedents, textbooks or *dhammathats*, the 'paths of legal justification'[37]are far more numerous and the resources of legal argument much richer. Lawyers must now use arguments based on the respective weight of rival authority, or based on which authority more closely describes the facts at issue, or based on which authority gives the fairest result in the current case. These arguments generate agreed criteria for sources of law, case similarity and situational ethics which are added to the store of legal discourse. The combination of wide paths of justification with the existence of a legal profession must have drawn the Burmese judge into the dialogue, even when he was an administrator or military man by occupation. The fact that *pyattons* were collected shows that judges were not content merely to settle individual cases. They wished also to contribute to the store of legal argument, to put their classifications and choice of authorities to the test of discussion by fellow lawyers. Thus a judge in 1806 contributes a classification of different kinds of assault based on their relative seriousness.[38] And a judge in 1791 enforces a right unknown in the surviving *dhammathats* (but known elsewhere in Pāli-land) that a husband may sell his adulterous wife into prostitution.[39]

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[36] Aung Thwin, "The Nature of State and Society in Pagan", Ph. D. thesis, Michigan, 1976, 123. See also Aung Thwin, *Pagan—origins of modern Burma*, Hawaii, 1985, 124.
[37] I borrow this useful phrase from Goutal, "Characteristics of Judicial Style in France, Britain and the USA", 24 *AJCL*, 24, 1976, 43.
[38] *Mi Sone v Mi Pon* 1806 Yesagyo pyatton quoted by Shwe Baw in his work referred to above.
[39] *Mi Hla v Thiri Kyaw Thu* 1791 Yesagyo *pyatton*, also quoted by Shwe Baw.

Law reports, it seems, were important sources for reconciling conflicting *dhammathat* traditions. This need not entail the extreme common law idea of *binding precedent*—of reported decisions which a judge must follow. *Pyatton*, rather than supplanting *dhammathatat* and *rajathat*, were used as aids in interpreting them. But there exists a thought provoking order of King Badon which states the opposite:

"s.13 A ruling at any one of the courts of the capital shall be taken invariably as a precedent."

In the absence of machinery to publish the judgements of the central courts, or at least to distribute them to the provincial judges, this must be empty verbiage. Eighteenth century Burma has left no evidence of a 'Weekly Law Reports', no trace of a daily newspaper printing court judgements, so we must assume that this order is pure bluster on Badon's part.

2b. The law texts in the northern regions: Lan Na and Laos

In the valleys and plains surrounding the Upper Mekong were a series of kingdoms where Northern Thai families ruled over mixed populations, and Northern Thai languages and scripts were the medium of literary expression. To the west, south and east of this hinterland, mountain ranges cut off easy access to the sea. During the first three centuries of European exploration of the peninsula the region was little known, and towns like Chiang Mai and Luang Prabang were invested with the same glamour as Timbuctoo or El Dorado. The modern tourist, on his 55-minute flight from Bangkok to Chiang Mai, needs a special effort of the imagination to comprehend that the same journey only seventy years ago would have taken between three and six months. Parts of the region still possess the lure of impenetrability: Keng Tung, Laos, and the frontier region between Burma and China, for example, are still inaccessible to the tourist. His close cousin the foreign scholar must surmount special obstacles in uncovering evidence of these kingdoms.

In the nineteenth century European travellers came to recognize the cultural unity of the area, though there was still confusion about what to call it. Those reaching the area after landing at Rangoon described all the kingdoms as *Shan*; those travelling north from Bangkok or east from Hanoi knew them as *Laotian*. I follow the modern practice of referring to them as *Northern Thai*. Before summarising the law texts of the separate Northern Thai kingdoms, I shall summarize them in tabular form:

Kingdom	*Capital*	*Legal texts*	*Language*
Lan Na	Chiang Mai	yes	Tai Yuan
Central Laos	Vientiane	yes	Laotian Tai
Western Laos	Luang Prabang	yes	Laotian Tai
Keng Tung	Keng Tung	no	Tai Khon
Sipsong Panna	Keng Hung	from 1890	Tai Lu
Various Shan States, mostly west of the Salween River	various capitals	no	Tai Shan

Lan Na

At the close of the thirteenth century King Mangrai of Chiang Rai defeated the Mon kingdom of Haripunjaya and established his new capital 100 miles to the south at Chiang Mai. Northern Thai culture was crossing the watershed between the Upper Mekong basin and land draining into the Gulf of Thailand. The chronicles tell us of immediate dynastic links between Mangrai and kingdoms 4,5 and 6 on the table, but the widest expansion of Lan Na political influence, under King Tilok (1442–1487), and the golden age of its literature came later, in the fifteenth and sixteenth centuries. The introduction of the Burmese Saṅgha under Kuna (1335–85) and the Thai Saṅgha under Sam Fang Kaen (1411–1442) had meanwhile entailed the introduction of Pāli (and presumably other) literary traditions. In 1558 the Burmese invaded Lan Na, and it subsequently suffered dreary centuries as a distant provincial tributory to Burma. By the late eighteenth century the Pax Birmanica had broken down; banditry and large-scale manpower raids from neighbouring kingdoms combined to cause severe depopulation. The nineteenth century witnessed a gradual recovery in population, aided by successful manpower raids on the northern neighbours, and the beginnings of Siamization, as the rulers of modern Thailand sought to impose Siamese practices of government and religious organization on the erstwhile independent kingdom. Our surviving legal manuscripts are presumed to date from the high culture of the fifteenth and sixteenth century. Certainly conditions thereafter were not conducive to the composition of such works.

Thanks to Sommai Premchit's heroic labours, one hundred and thirty two legal texts have been microfilmed and are described in the most recent catalogue.[40] He and his colleagues in addition have printed fifteen additional works in modern Thai transliteration. Other texts have been found by Richard Davis, who commissioned the copying of two texts which are now in Australia, and Camille Notton, whose manuscript was destroyed during a wave of anti-French feeling during one of the murkier episodes of World War Two.[41] A copy of this has been published in Thai transliteration.[42] In translation we have only the first 22 sections of a manuscript I shall denote the *Sarabari*[43] text and a complete translation of one of the Richard

[40] Sommai Premchit, ed., *Lan Na Literature: Catalogue of 954 Secular Titles*, Social Research Institute, Chiang Mai University, 1986.
[41] Kraisri Nimmanahaeminda tells this story, and also translates six sections of the text in "The Irrigation Laws of King Mangrai", *Ethnographic Notes on Northern Thailand*, Cornell, 1965.
[42] Prasert na Nagara, Lanna Folklore Studies Centre, Chiang Mai, 1981.
[43] Griswold and Prasert na Nagara, "Epigraphic Studies, No 17", *JSS*, 65, 1977, 137.

Davis manuscripts which I shall denote the *Nan* text.[44] Judging by the descriptions in the catalogue, the Lan Na literature is composed of five different traditional titles, which can be listed as follows.

1. *Royal works*. These are general legal provisions, sometimes called *dhammathats*, which lay down substantive rules of law. Unlike Burmese *dhammathats*, these are associated with the Lan Na king in the sense that they incorporate rules of particular interest to him, and in that a king is traditionally named as author. Looking at the royal works in the 1986 catalogue we find fifteen texts ascribed to Mangrai himself, while King Kuna gives his name to four. No. 52 on the catalogue recites the whole dynasty from Mangrai to the Burmese invasion in its title. Nor are the kings purely historical: three works bear the name of King Mahasammatta, the legendary first Buddhist king whom, elsewhere in Pāli-land, Manu is said to have served. It is Mahāsammatta, the king, rather than his wise judicial counsellor, who is creditied with law making. The genre is nearer *rajathat* than *dhammathat*.

2. *Customary Law works*. None of the works bearing this title are in translation. These may be just an alternative title for the Royal Works, or they may constitute one (or several) sub-genres.

3. *Twenty-five kinds of theft*. Judging by the catalogue description the works with this title mostly deal with theft, but neither together nor seperately do they yield anything like a 25-fold analysis of theft. We seem to have a title for specialist monographs on theft which has come adrift from its traditional text. Burma also has a tradition of 25 kinds of theft which is alluded to in Badon's Big One[45] and given in full by *Manugye* surrounded by lashings of Pāli legal scholarship.[46] If there is influence, can we say whether Burma has influenced Lan Na or vice versa? Both Burma and Lan Na knew some of the other tradition's law texts. S.47 of the Nan text refers explicitly to a Burmese rule, while nineteenth century Burmese bibliography lists a "*Pyatton* of King Kuna of Chiang Mai". Since the Lan Na texts are coeval with the earliest and most indeterminate Burmese *dhammathat* period, it will be very difficult establishing which way the influence flowed. Here at least is an example where Burmese texts have preserved, while Lan Na texts have lost, the textual tradition attached to a title.

4. *Worldly and Dhamma law compared*. According to the catalogue some works with this title do compare the duties of monks (as laid down in the *Vinaya*) with the duties of the laity (as laid down by Lan Na tradition), but in the Nan text this title applies to a compilation dealing mainly with quantum questions. Perhaps this work received this title by analogy with the *Vinaya*, which is the only work in the Buddhist canon to give careful thought to the scientific gradation of punishment.

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[44] Aroonrut Wichienkeeo and Gehan Wijeyewardane, *The Laws of King Mangrai*, Canberra, 1986, 21–79.
[45] s.29 enumerates 11 of the kinds of theft.
[46] *Manugye*, (pages 110–13 of Richardson's edition) gives the whole list, along with Pāli terms for each of the 25 and a Pāli collective noun for each of 5.

5. *The Tradition of King Mahosot*. In Burmese terms we would call this a judgement tale *pyatton*, since it mainly tells stories of clever decisions, taken from *Jātaka* no. 546 and from other non-canonical sources.[47] But this would be somewhat misleading, and would undervalue the literary and legal thought that has gone into the selection and arrangement of the stories. As it stands it is a work unique in Pāli-land—a monograph on the moral aspects of dispute settlement which has been constructed out of judgement tale traditions.

General impressions of Lan Na legal literature

Is it possible to guess, on the information I have outlined, who wrote these texts? Many of them, especially those I have called Royal Works, are written in the first person by a king and deal with matters of special interest to a king. Presumably they issued from the king and his court scribes. But speculation about the authorship role of other Lan Na dignitaries is dampened by our profound ignorance of the sixteenth century Chiang Mai royal court, and of the paths to promotion available to a well-placed Lan Na citizen. In these circumstances, arguments from silence become weak. True, we have no reference to the existence of professional lawyers on the Burmese model, or the existence of court Brahmins with a specialised legal role on the Siamese model, but such evidence might be unearthed at any minute, particularly during the present boom in Lan Na studies. It is safe to guess that disputes were judged outside the capital by local strongmen who would hold a governorship or military command under the king. We do not know whether these strong men were under any pressure to deliver just sentences, to judge according to written law and to contribute to the further development of the law. The possibility of lay, or judicial, authorship of some legal texts remains only a possibility.

Can we say on what sources the Lan Na texts draw? Probably not, as yet, but we can limit the field by some negative statements. There does not appear to be any Indian influence via the *Manu-Dharmaśātra* or similar text. In Burma the evidence cited for such influence is the Manu legend and the division into 18 heads of law. Neither of these is found in Lan Na.[48]

Neither, unless the surviving Haripunjaya *dhammathat* contains any surprises, does there seem to have been any Mon influence , whether from Haripunjaya or Ramannadesa. Burmese law was quoted, but can not have been a formative influence, else surely the Manu legend would have appeared. Neither can we yet descry any influence from Siam and Cambodia to the south, or Laos to the north east, except that Lan Na judgement tales draw in part from a pool common to Laos and Cambodia. There is one positive statement to make: from the Burmese invasion onwards it has been the Saṅgha who have copied and collected the texts.

[47] One of these non-canonical stories is also found in the Laotian literature.
[48] The *Sarabari* text, article 22, mentions 16 heads of law. A different list of 16 heads appears in the copy of Notton's manuscript. This does not appear to be a close enough parallel to suggest any Hindu influence.

Perhaps the "Secular and Dhamma laws Compared" titles indicate that monks were concerned with the authorship of the texts in the period before the invasion. At any rate, my provisional impression is of a largely self-made tradition, worked out by the king with his court scribes and spiritual advisors. The vast number of different texts that have survived may also indicate that the genre was more literary than legal. A provincial governor in sixteenth-century Lan Na might well have three or four of these texts at his disposal. But it is hard to imagine him consulting them or feeling he had to reconcile them. I suspect that the deposits of dust blown off the Lan Na texts in the 1980s had started accumulating soon after the documents were written.

Laos

The boundaries of the Lao People's Democratic Republic are defined by the upper reaches of the Mekong. They include all land on the north and east bank of the river that is not part of the Confucian and Mahayana Buddhist cultures of China and Vietnam. There are no compelling geographical factors which unify this area: the Upper Mekong has too many inconvenient rapids for large scale water-borne transport. The modern state has inherited boundaries largely defined by the imperatives of French Colonial policy. Yet there was a historical predecessor 'Laotian' kingdom—that of Lan Xang founded by King Fa Ngum in 1353.

The first question is whether surviving literary traditions display a cultural unity, reflecting the Lan Xang period, or a diversity reflecting the three kingdoms of the eighteenth century and later. Lafont reports on a collection and census of manuscripts in Laotian monasteries which he undertook in the 1950s. From monasteries in Champassak, Vientiane and Luang Prabang, 1616 texts were recovered, of which only 32 were common to each region. It should be no surprise that the 32 common texts were portions of the Pāli canon. Otherwise the textual traditions of the three cities connected with areas outside the frontiers of modern Laos: Vientiane with its old provinces across the Mekong (now part of NE Thailand); Luang Prabang with Lan Na; Champassak with the south-eastern part of the Korat plateau (now in east Thailand). Lafont concludes:

> "Thus one can write that, leaving aside the basic Buddhist works, there exists not a homogeneous Lao literature, but three literatures whose diffusion is essentially regional."[49]

But his inventory mentions no legal texts. If the legal literature follows the same pattern, it can be presumed to be eighteenth century or later. If the texts from the three capitals betray a common source, they can be dated back to the Lan Xang period.

Unfortunately, the Laotian law texts have received less attention in European languages than any others in Pāli-land. The first French governor of western Laos,

[49] P.B. Lafont, "Inventaire de manuscrits des Pagodes du Laos", *BEFEO*, 52, 1965, 429.

Lt. Col. Tournier, arranged for the translation into French of a "*Code of Vientiane*" by a group of mandarins, monks and interpreters. In 1902 he persuaded a visiting traveller, Raquez, to publish a summary of the translation as part of his travel journals of Laos.[50] Since then I have been able to discover no further European language reference to the legal texts, unless one counts a serialized reprint of Raquez' summary in 1970.[51] Since we are lucky to have even one summarized translation of a Laotian law text, we must bear the inane comments which Raquez interjects into the text with stoic endurance. To help us place the text in its full socio-economic context he has added notes such as: "Bravo! Faut de la fidelité dans le mariage!" or "Pas de flirt au Laos! Ah! Mais non!" We are compensated for our encounter with this classic example of the "ooh la la!" school of legal history by many fine photographs of Laotian women *en deshabille* with which Raquez has enhanced the text.

Manuscripts of other law texts certainly survived into this century. Finot's catalogue of Laotian manuscripts mentions one held in the Royal Library of Luang Prabang and three held in the library of the Ecole Français d'Extrême Orient.[52] In addition he consulted a 206-page text "used by the tribunal in Luang Prabang". Three of these documents bear the title 'Lao Custom', though they seem to have different contents. One is called 'The Custom *Dhammathat*' and has a Pāli text with Laotian translation. The manuscript belonging to the Luang Prabang tribunal bore the title '*Rajathat*', leading one to speculate whether any texts analogous to Burmese *rajathats* have survived. Apparently they have. The National Library in Bangkok is said to hold texts of 26 'Laotian Royal Edicts'. How much about Laotian legal literature can be gleaned from these few facts? Firstly, as in Lan Na, the works are associated with royalty. Finot reproduces the exordium to the Luang Prabang tribunal copy which states:

> "I, Mahakosat Khattiyavonsa, …give this present ordinance to be the pious safeguarder of religion for five thousand years."[53]

The tradition that kings are concerned to control dispute settlement goes back, the Laotian chronicles tell us, to Fa Ngum, the founder of Lan Xang. They report a coronation speech made by Fa Ngum in which he lays down general principles for keeping the peace and sets a standard fine for adultery.[54] Secondly, the word *dhammathat* is found as part of the title associated with a law text, in this case one written first in Pāli. Thirdly, there is no shortage of Laotian judgement tales. Raquez' "*Code of Vientiane*" contains several. Finot tells us of the texts he has examined:

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[50] A. Raquez, *Pages Laotiennes*, Hanoi, 1902, 403–48.
[51] Phouvang Phimmasone, *BARL*, 1970–1972; 23–6; 75–88; 94–9; 123–31; 70–76.
[52] L. Finot, "Recherches sur la literature Laotienne", *BEFEO*, 17, 1917.
[53] L. Finot, *op. cit.*, 136.
[54] A French translation of this passage can be found in Pavie's *Mission Pavie*, 1898, vol II, 30–31. An English translation occurs in R. de Berval, *Kingdom of Laos*, Saigon,1959.

> "They often give, added to rules of law, the story of how the rules originated."[55]

And Phimmasone describes the two sources for these judgement tales:

> "The judicial stories are in general the commentaries on different articles of the Laotian Code to which they are annexed. They are sometimes collected in separate volumes called "Commentaries on the Text of the Law"."[56]

These stories are the now familiar mixture of *Jātaka* tales and locally produced imitations. There are many stories in common with those found in Cambodia, and rather less which are also found in Lan Na traditions. But what of the initial question I posed? Do the law texts represent a unified tradition dating back to the Lan Xang kingdom? Tournier, who first came across the texts and arranged for their translation, has this to say:

> "In all the areas previously forming part of the Vientiane kingdom, the Code, or rather the Customs, of Vientiane have force of law. In the north it is the Customs of Luang Prabang which have force. These two Codes, or Customs, are nearly identical. Of Hindu origin, they were imported into Laos at the same time as the sacred texts, in A.D. 638."[57]

I shrink from criticizing this passage, since Tournier had access to several law texts, and I have read only a mangled summary of one. But there are indications that he was carried away by the late nineteenth century penchant for ascribing a Hindu origin for every Southeast Asian text. In Raquez' "*Code of Vientiane*" we find no Manu legend, no division into 18 heads of law following the Manu *Dharmaśāstra*, and no Sanskrit legal technical terms. The tests I have used to identify Hindu influence in Burma give a negative result here. Indeed the heads of division of the "*Code of Vientiane*" are the most Buddhist in all Pāli-land: the five books are divided by reference to the 'Five Precepts'—the minimum vows that every lay Buddhist must keep. They deal successively with adultery, murder, theft, falsehood and drunkenness. Nor is it clear in what sense the Luang Prabang code is 'nearly identical'. Finot describes the contents of the Luang Prabang texts he saw as differing one from the other. None of them follows the "*Code of Vientiane*" in using the Five Precepts as a base for classification. Finot's account points to the existence of separate textual traditions in the Laotian sub-kingdoms, and implies that any law texts originating in the Lan Xang period have been substantially reworked after 1700.

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[55] L. Finot, *op. cit.*, 137.
[56] Phouvong Phimmasone, "Cours de Litterature Lao", *BARL*, 4, 1971, 41.
[57] Lt. Col. Tournier, *Notice sur le Laos Français*, Hanoi, 1900, 54.

The other Northern Thai Kingdoms

Can a kingdom which uses writing to preserve religious truths nevertheless be too small to produce written legal texts? Is there a ‘take off point’ for the development of legal literature based on size of population and spread of land? Or is the kind of government a determining factor, so that rule by an extended royal family inhibits, while rule by a less personalised bureaucracy promotes, the use of written legal sources? These are the questions posed by consideration of the legal texts of Keng Tung, the Sipsong Panna and the western Shan States for, like snakes in Ireland, they do not exist.

Chronicles from all three areas survived and have been published in recent editions.[58] They relate a history continuing from the twelfth century, and a constant tradition of dynastic links between the kingdoms and their Northern Thai neighbours which continued into this century.[59] Religious texts were common, and there is evidence pointing to more widespread literacy in these kingdoms that elsewhere in Pāli-land. Milne says of the western Shan States “There are few homes in which there is not at least one copy of the sacred writings.”[60] Tournier, despite his general portrayal of the Lu of Sipsong Panna as feckless trouble makers, remarks that female literacy is common compared with the rest of Laos.[61] Copies of religious texts from Keng Tung have just been published, their editor having arranged from a distance for the manuscript chests of the Keng Tung monasteries to be opened, and copies of “manuscripts liable to be of interest to us” to be copied *in situ*.[62] But nowhere is there any hint of a legal literature. The argument from silence is overwhelming. Woodthorpe, visiting Keng Tung in the 1890s, seems to have assumed the existence of a Burmese *dhammathat*:

“Civil cases, divorce, inheritance and the like, follow the laws of Manu, as in other Buddhist countries.”[63]

But all other foreign visitors have implied that the Burmese, like the British after them, were content to leave the local kings to administer local oral custom. Justice was administered by the king and his immediate relatives; kingdoms were too small to necessitate further delegation of power. Disgruntled litigants must always have had an easy option to avoid a judgement against them: they could emigrate to a neighbouring kingdom or join the permanent outlaw bands who inhabited the

[58] For Sipsong Panna: Tawee Swangpanyangkoon, *The Xishuangbanna Chronicle*, Chiang Mai, 1986; for Keng Tung: Saimong Manggrai, *The Padaeng Chronicle and the Jengtung Chronicle*, Ann Arbor, 1981; for the western Shan States: Saimong Mangrai, *The Shan States and British Annexation*, Cornell, 1965.

[59] Saimong Mangrai, in his *Padeang Chrinicle and the Jengtung Chronicles*, relates from personal memory the celebrations surrounding the marriage in 1932 between the daughter of the ruling Sawbwa of Keng Tung and the youngest son of the (then retired) Sawbwa of Chiang Mai.

[60] L. Milne, *The Shan States*, Rangoon, 1910, 214.

[61] Tournier, *op. cit.*, 84.

[62] A.R. Peltier, *Tai Khoeun Literature*, Bangkok, 1987.

[63] R.G. Woodthorpe, “Some account of the Shans”, 26 *Anthrop. Inst.*, 1892, 21.

badlands between kingdoms. In these circumstances, if law books were not already introduced from elsewhere, then there could have been little local pressure to produce them.

There is one late exception to this general picture. Sipsong Panna managed to keep its political autonomy until 1948. During the colonial carve-up of the Upper Mekong, ratified by the Anglo-French Border Commission at Mong Sing in 1895, the Lu of Sipsong Panna successfully played the Chinese card. They avoided colonization by encouraging British and French fears of annexing any of the Celestial Empire by mistake. In truth Chinese influence in the nineteenth century was minimal in Sipsong Panna, due to a justifiable Chinese wish to avoid the malaria endemic to this part of the Upper Mekong. Later, informed comment emphasized that the Sipsong Panna legal traditions were influenced more by Burma than by any other source. Scott says:

> "The settlement of all disputes was left in the former days to the Burmese, and although they always took money from both sides they were satisfied with less than the Chinese majors."[64]

At any rate, in the late nineteenth century the king of Sipsong Panna had learnt one thing from his unexpected brush with colonial *haute politique*: he now realized that an independent state must have a written legal code, and proceeded to enact one himself.[65] The indigenous tradition of written legal texts in Sipsong Panna thus starts in the late 1890s.

2c. The eastern law texts: Siam and Cambodia

From Siam we have a singular law text in both senses of the word. Almost all we know of laws from the Ayuthayan period stems from the single law text of the Three Seals Code of 1805. And the text is extraordinarily ambitious in the way it manipulates all surviving texts into a Compendium or Digest. King Rama I, who ordered and supervised the Three Seals Code, stands comparison with Napoleon, his better known contemporary codifier. The codes differ greatly in their approach to promulgation, as we shall see, and also in their approach to social change. Napoleon selectively incorporated new legal rules thrown up by the French Revolution, while the Three Seals Code:

> "essentially represents an attempt of a new Thai dynasty, one without roots or any formal claim to the throne, to provide itself and the society it governed with a sense of continuity and contact with the past."[66]

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[64] J.G. Scott quoted in Saimong Mangrai, *op. cit.*, 1965, 278.
[65] A brief description is given in Tournier, *op. cit.*, 84, and Xieng La, "Etats Chans Français", *Revue Indochine*, 1902, 929. A fuller description is apparently given in "Code Lu" in *France-Asie*, which I have not yet been able to see.
[66] C.M. Wilson, "Nineteenth century Thai Administration", *JSEAS*, 15, 1980.

But the immediate background to codification was similar: Siam since the fall of Ayuthaya in 1767 was doubtless every bit as disorganized a polity as was France after the fall of the Bastille. The Three Seals Code starts with a *dhammathat*, which consists solely of the Manu legend and three Pāli technical legal lists, details of which I give in s.5. The 'Words of Indra' follow—a short judgement tale extolling the judge who avoids the four agatis. This is evidently viewed as an addendum to the *dhammathat*. The rest of the Code consists of texts of Ayuthayan royal orders, usually with a preamble giving the date and occasion of the king's order. Most of these have been sorted by subject matter to correspond partially with the list of twenty-nine heads of litigation in the *dhammathat*. These, we are told, are the root matters. But the last third of the Code represents branch matters—unsorted orders from more recent kings. Earlier this century these dates were taken more or less at face value, but they have been recently subjected to a great deal of critical analysis. The more they are examined, the less trustworthy they appear. Outside the Code, we have the merest hints of what Ayuthayan law texts were like. The epigraphic evidence is the best known: in the fourteenth century stone order emanating from Ayuthaya there are references to *dhammathat* and *rajathat*.[67] For seventeenth-century Ayuthaya, La Loubère tells us that the corpus of law was made up primarily of "the constitutions of the ancient kings".[68] In the mid-nineteenth century James Low describes some law texts he has acquired from southern Thailand and Mergui as having been produced prior to 1805.[69] His description allows us some hints as to what law texts which survived in the southern region prior to 1805 looked like, but the texts themselves, which he says he donated to the Royal Asiatic Society, await detailed study.

Perhaps the Cambodian law texts give some clue as to the nature of Ayuthayan law. By these I mean the texts which have survived from Theravada post-thirteenth century Cambodia to be collected by Leclère[70] rather than the surviving epigraphy of Angkor, which has had much more exposure and scholarly discussion. Just prior to 1881 the French Protectorate published 39 books of law and sent them without comment to provincial governors as "a sort of repromulgation of laws which were much ignored and which no one applies anymore." Bishop Cordier then translated ten of the books into French and added the text of a fourtieth. Leclère added the texts of fourteen more books, and translated the whole corpus into French.

Like the Siamese texts, the Cambodian Codes are presented as the orders of named kings at particular dates. Like them the *dhammathat* and the 'Words of Indra' act as a legitimizing introduction to the whole corpus. These two books are similar but not identical in the two traditions. There is no reason to assume that the dates quoted are any more safe than the Siamese dates, but if we take the more

[67] Griswold and Prasert na Nagara, "An Ayuthayan Law of 1397", *JSS*, 57, 1965, 109.
[68] S. La Loubère, *A new historical relation of the kingdom of Siam*, London 1693, repr. Oxford, 1975.
[69] J. Low, "On the laws of the mu'ung Thai", *JIAEA*, 1, 1847, 327.
[70] A. Leclère, *Codes Cambodgiens*, 2 vols., Hanoi, 1898.

recent dates at face value, then we learn of a recension by King Ang Duong in 1853 which shows Siamese influence. There are direct textual parallels between his new laws on Quarelling and Slaves and the Siamese titles of 1805 with the same name. To imagine that a copy of the Three Seals Code was present in Cambodia before 1850 and was drawn on for new royal orders does not commit us to imagining a colonial imposition of law by Bangkok, and still less an incorporation of Cambodia into the territorial area of Siamese law. It is enough to imagine the code being given as a gift by a superior king to his tributory king as an edifying gesture. But there are other Cambodian codes, both undated and dating to before 1805 which show further textual parallels.[71] There are three possibilities:

(1) That Cambodia is drawing on a pre-1805 Siamese recension which was changed very little by the 1805 revision.
(2) That the 1805, or some previous Siamese recension, drew on existing Theravāda Cambodian law texts.
(3) That Cambodia and Siam have symbiotic traditions. That from the fourteenth century onward the traditions have continued to influence each other.

The best evidence for (2) is the nineteenth-century oral tradition reported by both Leclère and Chandler that "the Siamese stole our books from us. That is why they are cleverer than we are." The tradition rings true, especially when Leclère's informant gives a specific time and place—the Siamese sack of Lavek in 1583. But we await an analysis by historians with the necessary linguistic skills in Siamese and Khmer. On a general first impression I tend towards holding a weak version of (3): that whenever the law texts started being produced in Siam and Cambodia, from then on they influenced each other.

3. The Buddhist substratum of Pāli-land law

3a. A common concept of law

In the foregoing description of the legal texts I have concentrated on the separateness of the three regional traditions. In this section I ask whether they share any common concept of law. To ask such a question regrettably involves arid problems of definition and theory, discussion of which I shall try to keep to a minimum.

I draw the distinction between a legal text and a written source of law. The former is a written collection of rules about social behaviour, while the latter is a legal text which judges are expected to use in settling disputes. The distinction depends not on the contents of the legal document, but on popular expectations about its use, historical information about which is particularly elusive. To start with the easiest case, there can be no doubt that the *Vinaya* is treated as a written source of law by those whose behaviour it addresses. The procedures and

[71] These include the *dhammathat* and the "Words of Indra" as well as the texts on Ordeal and Judges.

substantive rules which it lays down are those which the saṅgha are expected to follow. Of course the authorship of the Vinaya provides an excellent reason for treating it as authoritative[72]; it is, after all, the paradigm case of Buddhist law. The Pāli Cultural Package contained, then, a source of law for monks but no source of law for the laity. The early adoption of lay legal texts throughout most of Pāli-land shows that the Pāli Cultural Package was perceived as deficient, as containing an empty slot which had to be filled by local composition. But were these texts expected to govern dispute settlement? Were they sources of law as well as legal texts? I plan to answer this question elsewhere by examining the descriptions that Chinese and European visitors to the area have left of dispute settlement. Here I want to concentrate on linguistic evidence. Are there words in the various Pāli-land vocabularies which are translatable as 'secular law' or 'source of law'? This is a difficult question, since seven languages are involved, not all of which have been well studied.[73] Burmese, the only one in which I have some competence, does not have a word exclusively isolating secular law. The word *taya*, which comes nearest, can also mean 'ethical discourse' or 'the moral content of a sermon'. I would be surprised if Mon, Khmer or Thai are any different. But there is a Pāli phrase which expresses the idea of 'sources of law': at least in the western and eastern regions, if you want to say "Judges must decide cases according to legal rules" you say "Judges must decide cases according to *dhammathat* and *rajathat*."[74] I have not yet found this formula in the texts of the northern region, though both nouns, *dhammathat* and *rajathat*, are used separately, in Lan Na and in Laos, as part of the title of legal texts. Can the absence of the formula in the north be connected with the doubts recently expressed as to whether the northern law texts were treated as sources of law? In the words of Gehan Wijeyewardene:

> "The number of manuscripts now reported suggests that in the past the copying of texts was a major enterprise of monks. It also suggests that the purpose of the enterprise was not strictly pragmatic—the law codes were not primarily copied for the instruction of those making judgements. The contemplation of this fact alone raises a host of questions still unanswered."[75]

My hypothesis is that the formula 'according to *dhammathat* and *rajathat'* is used in Pāli-land to mean 'according to written sources of law'. Where the formula is not found, as in Lan Na and Laos, I doubt that the legal texts were ever treated

[72] More attention should be paid to the role of the Buddha as legislator. He, at the very least, deserves a place in the Guiness Book of Records as author of the legal code in longest continuous use.

[73] Legal texts survive written in Burmese, Mon, Khmer, Pāli and modern Thai, and in both the Yuan and Laotian dialects of Northern Thai.

[74] In Burma this formula is found in the following Royal Orders: 11-12-1637, 5-10-1681, 3-3-1782, 12-11-1783, 25-12-1783. In Siam the formula is repeated often in the stone pillar text found at Sukhothai containing an Ayuthyan law of 1397—Griswold and Prasert, *op cit*, 1969. In the Cambodian Codes it is found five times in the Words of Indra—Leclère, *op cit.*, 33–36.

[75] Gehan Wijeyewardene, at p. 3 of Aroonrut Wichienkeeo and Gehan Wijeyewardene, *The Laws of King Mangrai*, *op. cit.*

as sources of law. Why and when did these two Pāli words acquire their specialized meaning? Do the words bear the same meaning in the different regions? Discussion of these questions has been made more difficult by the propensity of scholars earlier this century to translate the terms into Sanskrit, and to assume that they must bear the same meaning in Pāli-land as they did in the Hindu culture of the tenth century AD. It needs repeating that a *dhammathat* is not the same as a *dharmaśāstra*, if for no other reason than that the words *dhamma* / *dharma* have different connotations for Hindu and Buddhist. In Pāli-land I would define the word *dhammathat* as:

> Written rules for the settlement of disputes among the laity which are legitimate for all or any of the following reasons:
>
> 1. They derive from antiquity.
> 2. They are written in Pāli.
> 3. They were written by wise and holy men, including:
>   a. monks famed for their piety and learning.
>   b. the king's wise judicial counsellor—a job description which was introduced as part of the Pāli Cultural Package in such stories as the *Mahosot Jātaka*.
> 4. They do not contradict Dhamma (in the sense of the Buddha's message) or kamma (in the sense that the natural world, in this life or the next, will reward merit and punish demerit).

In the western region the very early *dhammathats* would rely more on 1 and 2, while sixteenth-century *dhammathats* would rely on 1 and 4. Kaingza made a determined effort to rest legitimacy on the inherent rationality of the tradition. In the eastern region we can only guess about the *dhammathat*'s claim to legitimacy before 1805. After 1805 the *dhammathat* included in the Three Seals Code and the Cambodian Codes was reduced to a myth and an index. The substantive rules have been removed, and the *dhammathat* is concerned wholly with legitimizing rules contained in *rajathat*. In the northern region it appears that *dhammathat* was simply one genre title applicable to legal texts; it seems that use of the word implied no claim as to why the contents should be accepted by judges. Understanding the Pāli-land concept of *rajathat* has caused more difficulty. Consider these three definitions, all concerned with Burmese *rajathat*.

> *Rajathat* is "laws promulgated and acts done by the king as an arbitrary and capricious ruler."[76]
> *Rajathat* is "the science of kings, namely the art of governing or more particularly of adjudicating cases, and it also meant the judicial decisions of the kings themselves."[77]

[76] E. Forchhammer, *The Jardine Prize; an Essay*, Rangoon, 1885.
[77] R. Lingat, "The Evolution of the Conception of Law in Burma and Siam", 38 *JSS*, 38, 1950, 18; R. Okudaira, *op. cit.*, adopts this definition in his work on page 40.

> "We have the impression that rajathat is both the law made by the king and the court procedures described by the king."[78]

The first two definitions rely on a misleading analogy with Sanskrit *rājaśāstra* and Hindu culture. The third definition is based on a minute examination of the Burmese corpus of Royal Orders, and allows these texts to speak with their own voice. But I shall have to widen Than Tun's definition to include the *rajathats* of the northern and eastern region. I would define *rajathat* as:

> Written rules for the settlement of disputes among the laity which are legitimate for all or any of the following reasons:
>
> 1. They were compiled by the founder king of a particular kingdom, and were thus to be obeyed on social contract principles. They represented the original constitutional settlement, and are comparable to the Laws of Solon, the XII Tables and the American Declaration of Independence.
> 2. They were legislated by later kings, who have successfully claimed a legislative capacity.
> 3. They were orders by the king in his role of Minister for Law and Order. They were addressed to his subordinate bureaucrats and were limited to criminal law and to curbing the abusive procedures of his subordinates.

The western region prefers to understand *rajathat* as 3. The eastern region sees *rajathat* as 1 and 2. Robert Lingat takes this point a great deal further. In a series of articles[79] he has argued that the eastern tradition has, while the western tradition has not, invented legislation in the modern, European, sense. To examine this kind of claim we need at least a rough and ready definition of the European model, which is a complex amalgam of ideas developed at different periods. From the time of Bentham onwards, it has comprised at least these notions:

A. *general promulgation*: legislation should be made known to everybody.
B. *general application*: legislation should be relevant to everybody.
C. *valid indefinitely until repealed*: King A's legislation should remain in force after his death until implicitly or explicitly repealed.
D. *no limit on subject matter*: legislation can affect rules of substance as well as procedure; civil law as well as criminal law.
E. *top of the hierarchy of sources*: in the event of a conflict of rules from different sources, legislation prevails.

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[78] Than Tun, quoted in Okudaira, "The role of Kaingza", in *Ajia Afurika Burka Kenkyo*, 1984, p. 183, n. 11.
[79] R. Lingat, "L'influence Indoue dans l'ancien droit Siamois", *Etudes de Societé et d'Ethnographie Juridique*, 25, 1937, 25f.; "The Evolution of the Conception of Law in Burma and Siam", *JSS*, 38, 1950, 9f.; "La conception du Droit dans l'Indochine Hinayaniste", *BEFEO*, 44, 1951, 163ff. His earlier published thoughts on this subject give the most detailed statements of his arguments. See his book review of Phaya Vinaisanthon in *JSS*, 24, 211–19.

Using as evidence only the texts and our knowledge of their transmission, how and when did *rajathats* approach the western model in these four respects? In the following table I plot the regional views of *rajathat* against these five aspects of the modern idea of legislation.

	Western	Northern	Eastern
A. general promulgation	no	?	no
B. general application	yes	yes	yes
C. valid until repealed	no	yes	yes
D. no limit on subject matter	no	yes	yes
E. top of the hierarchy of sources	no	?	yes

I must briefly summarize the five horizontal lines of data. General promulgation was, with one exception, unknown to Pāli-land. *Rajathats* were addressed to subordinate bureaucrats and not to the populace at large. For Siam, it is well known that the Three Seals Code was not published until the mid-nineteenth century, and that an early attempt to print copies for general distribution led to the imprisonment of the over-zealous courtier involved. For Cambodia, the preface to the 1876 recension tells us that it was distributed to 52 regional governors only. For Lan Na and Laos I have no evidence. For Burma in the eighteenth century the orders which mention promulgation either specify that lower ranks of the bureaucratic heirarchy shall hear the text:

> "This order shall be sent to all provincial chiefs and the chiefs must explain it carefully to their subordinates."[80]
>
> "All officers employed in the judiciary shall listen to a reading monthly of *ROB* 3-3-1782, and everything that they do shall agree with those orders strictly."[81]

or attempt to frighten the populace into submission:

> "Proclaim this order by displaying the execution blade and solemnly announcing the fact that the punishment for disobedience would be an execution with that blade."[82]

But in the seventeenth century there are hints of a special promulgation procedure for 'orders of great importance'. In 1604 the Minister Nay Myo Mahādhamma is asked to report:

> "on the origin of carrying the Royal Order of Great Importance on a young bull elephant with a howdah called Ye Ka, and beating the big drum and big gong when every sentence of the order is read."[83]

[80] *ROB* 20-3-1758, s. 3.
[81] *ROB* 21-8-1785.
[82] *ROB* 1-1-1760, which may be a special case: it is addressed to the Crown Prince leading the fighting men against Ayuthaya, and thus has a "martial law" flavour.
[83] *ROB* 20-6-1604.

The Minister replies that the custom originated with the king's control over the agricultural calendar. A year later this procedure is used on the death of the king to proclaim 'Business as usual; don't panic'.[84] And in the thirteenth century we have one stone text from Pagan which describes a general promulgation:

> "Four hundred and forty four inscription stones must be made (of this edict). A pavilion is to be built (to shelter each inscription) placed under a grand canopy. All villages without exception must (hear?) these inscriptions. Villages having more than 50 houses must have this inscription set up. On full moon days, all villagers must assemble round this pillar with music and offerings. The village headman must wear his ceremonial robe and read aloud this inscription before the assembly. People from small villages where there are no such pillars must come to a nearby big village to listen to the reading of this inscription."[85]

This promulgation procedure is entirely appropriate to a kingdom where writing has become, in the two hundred years since its adoption, well established among officials but still largely unknown to villagers. Its attractive feature is that it has converted a potentially tedious recital of the law into a festival, with the requisite elements of music, dressing up and offerings. King Klacwa has done everything within his power to ensure that he is addressing all his subjects and not just his bureaucracy.

In the second horizontal line I consider general application: all reigns made a distinction between the king giving a decision in a particular case and the king enunciating a general rule. In the third line I compare attitudes to post mortem validity. In the western region the dogma was that a king's rajathat was valid only during his lifetime. This certainly fits with the understanding of criminal law as highly personal to the king. And it fits with the personalized notion of bureaucratic service to the crown which saw the new king almost automatically promoting new candidates to ministerships, governorships and so on. Yet it can never have been completely true. If King A's *rajathat* altered vested property rights,[86] there can hardly have been a reversion of ownership on King A's death. And the inertia factor must often have operated: a provincial bureaucrat accustomed to using King A's *rajathat* as a manual for status disputes or inheritance is unlikely to stop using it the moment he hears of King A's death. He will wait at least until King B sends him an up-to-date replacement. We glimpse the inertia factor lying behind the order of 5-10-1681:

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[84] *ROB* 28-10-1605.

[85] *ROB* 6-5-1249. I quote from the fuller translation in Than Tun, "A History of Burma to the end of the Thirteenth Century", *New Burma Weekly*, 3-1-1959, 8.

[86] As, for example, *ROB* 11-8-1692: "When a father dies serving in the army, his military equipment devolves on the son who replaces him, rather than devolving by *dhammathat* rules."

> "The Royal Orders of earlier periods are ambiguous: ignore them. Collect only the Royal Orders of the last four reigns (covering 1633–1673) and refer to them in all affairs of state."

In the eastern and northern regions, by contrast, the whole exercise of keeping legal texts was to preserve the *ipsissima verba* of long dead kings. This must surely be because they were regarded as still binding.

In the fourth line I look for evidence that the field which *rajathat* could cover was limited. Such evidence only appears in Burma, where a change of attitude is apparent during the period covered by Than Tun's collection. An early order like 9-1-1368[87] deals hardly at all with issues of compensation. Gradually, from the end of the seventeenth century, there was more royal intervention in the civil law or *dhammathat* sphere culminating in Badon's Big One, which unembarrassedly discusses civil issues such as inheritance and custody.

In the last line I examine whether *rajathat* claims to be at the top of the heirarchy of sources. In the western region we have an explicit heirarchy which puts *rajathat* above *dhammathat*, but which sets private agreement above them both. This seems to mean that disputants who have agreed to compromise or mediate cannot later ask for their rights as promised by *rajathat*. For the northern region, I have no evidence. For the eastern region the *rajathat* portions of the Three Seals Code contain all the substantive law: there cannot be a conflict between *rajathat* and *dhammathat*. Yet Rama I was careful not to make inflated claims for the importance of *rajathat*: he justified the production of the Three Seals Code in terms of restoring the true text of the ancient law, rather than by using the language of legislation as the supreme source. Only in Cambodia have I come across a glorification of *rajathat* which compares to the worst extremes of nineteenth-century English positivism. The preamble to the 1872 recension states:

> "Parties to a trial must, when the judge is on the point of pronouncing sentence, assure themselves that the law is contained in these books. If so, they must accept the sentence. If not, they need not accept the sentence."[88]

To conclude, in respect of post-mortem validity and generalized subject matter, Lingat's analysis is correct, and Siam is nearer the western model than Burma. But the northern region also had, in Lingat's words, 'reached the same stage' as Siam. I would prefer not to talk of 'stages', with their implicit evolutionary overtones. I prefer to say that Burma started off with a different conception of *rajathat* as a source of law to that adopted elsewhere in Pāli-land, and that this coincided with a different approach to the diffusion of legal knowledge. On this point compare Sarasin Viraphol on Siam:

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[87] Assuming it is substantially uninterpolated; Than Tun warns that it may contain interpolations.
[88] A. Leclère, *op. cit.*, vol. I, 6.

> "However, Siamese law and Chinese law in the operational sphere were at one in conceiving that law was to be regarded rather as a model than as an independent means for attaining private justice. Knowledge of the law and the administration of justice was to remain in the sphere of officialdom, and the public which ventured forth to seek justice must necessarily be placed at the mercy of officials."[89]

with a Burmese *rajathat* of 1784:

> "If the unlettered peasant, through ignorance of law, should in relation to hereditary office or appanage or theft or rapine or in respect of any other legal claim, raise inappropriate pleas, instruct him what to plead, how to present his petition and how to support them by appropriate argument, having due regard to the Manu *dhammathat*, the *Mano dhammathat*, the *Shwe Myin dhammathat*, *Royal Edicts*, ancient precedents and judicial decisions."[90]

3b. Legitimation within Buddhist social theory

The Pāli Cultural Package contains a social theory: a description of the way humanity and human society have evolved culminating in the social contract by which wise Mahāsammata was elected as the first king.[91] Pāli-land kings could use this passage as one way to legitimate the institution of monarchy. But there is no mention of Mahāsammata writing legal texts. If the legal texts of Pāli-land are to be brought within Buddhist social theory, Mahāsammata must be credited with possession of such a text, which can then serve as a fictional ancestor. Pāli-land has adopted one of two techniques to achieve this. The simpler technique, adopted by some of the Northern region texts, is to give Mahāsammata's name as author of particular law texts; three of the Lan Na texts described in the 1986 catalogue do this. But a more complex technique is used by the western and eastern regions. They invent, or adapt, the legend of Manu, who rose to become Mahāsammata's judicial counsellor, and who retrieves the *dhammathat* which bears his name from the boundary walls of the universe.

In the Siamese and Cambodian version of the legend, a Brahmin recluse and an autochtonous *Kiennara* (half woman, half fowl) produce two children, named Soobadra and Manu. Soobadra, the elder, goes to the edge of the world to recover arcane spells and knowledge which he presents to Mahāsammata. Manu, meanwhile, finds employment as Mahāsammata's legal adviser, until one day he errs in a case involving ownership of a cucumber whose vine roots on one side of a fence but fruits on the other. He resigns, meditates and travels to the edge of the universe where, written in letters as big as an elephant, he finds the text of the *dhammathat*. He memorizes it, returns to earth, writes it down and presents it to the first king.

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[89] Sarasin Voraphol, "Law in traditional Siam and China", *JSS*, 65,1977, 81.
[90] Translated by E. Maung, *op. cit.*
[91] The Agañña-suttanta, Dīgha-nikāya, no. 27.

The *dhammathat* in the Three Seals Code which contains this legend claims to originate from Ramannadesa, so we might expect to find this version of the Manu legend somewhere in the western tradition. In the earliest group of Burmese *dhammathats* only *Manusara* (D1) has this version. Other early *dhammathats* either omit the legend altogether or omit Soobadra or omit the cucumber judgement. I have already described how *Manusara* founded the main line of Burmese development after its revision by Kaingza as his *Shwe Myin dhammathat* (D7). It seems that both the western and the eastern traditions are based on the same early Mon / Burmese *dhammathat*. And the nearest surviving work to this urtext is *Manosara* rather than, as Lingat suggests, *Wageru* (D5). This speculation finds confirmation in the name shift that occurs. The younger brother is named 'Manu' in "Manosara" in the Three Seals Code *dhammathat* and "Mamosara" in the Cambodian *dhammathat*. I take the Cambodian spelling to show the end of a transmission: the Manu legend must have travelled from east to west, from Rammanadesa to Ayuthaya to Cambodia. But the "Manosara" spelling is also found in later Burmese *dhammathat*.[92] I assume that Siamese and later Burmese authors are confusing the name of the founding law hero [Manu] with the more familiar name of the text he left behind [Manusara D1]. The name Manusara, essence of Manu, is more appropriate for a text than for a person; there seems little point in naming a hero 'essence of himself'. I have to assume that the name of Manu had lost its resonance in the public and scribal imagination of both eighteenth-century Burma and Ayuthaya.

In the eastern region the *dhammathat* was retained just for the legitimation of the Manu myth, and the index to what is being legitimated—the four lists of Pāli legal technicalities. In the western region the eighteenth century saw the baroque elaboration of the legend in *Manugye* (D12) where the Manu story acts as a frame for 12 judgement tales which Manu decided as a village cowherd and 7 judgement tales (culminating in the cucumber story) which Manu decided as Mahāsammata's judge. There is, I believe, a level of eighteenth-century social theory implicit in this version. The 18 additional judgement tales are intended to describe models for dispute settlement at village level and in the king's court. They are meant to carry the canonical story of Mahāsammata into further levels of societal growth. In the northern region, where the Manu legend has not so far been discovered, there was a search for further ways of legitimizing the law texts through Buddhism. Northern kings in both Laos and Lan Na took pains to insist that their rules contained nothing adhammic. The most charming, and ultimately impractical, attempt to root a northern law text in Buddhist teaching is the division of the "*Code of Vientiane*" into five books which mirror the five precepts. The books relating to drunkenness and lying are inevitably less central than the books dealing with murder, theft and adultery.

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[92] In the *Manosara Shwe Myin* (D15) written in Pāli around 1765. In the *Vinisaya Pakathani* (D19) written in Pāli around 1771 it is misspelt *Manurasa*, a missplacement of consonants reminiscent of the Cambodian mispelling.

3c. Direct influence from the Tipiṭaka

To what extent do the law texts incorporate direct quotation from the Pāli canon? They all do to some extent, but some groups make a greater display of scriptural quotation than others. The Siamese Three Seals Code has comparatively few references to the canon. The two Burmese texts which transcend their genres—Kaingza's *Maharajathat* and Badon's Big One—lie at the other extreme.

The *Jātaka* stories are quoted most often, followed by the lists of qualities enumerated in the *Suttapiṭaka*. Legal literature was glad to pass on to its readership such elegantly tabulated knowledge as the seven kinds of wives, the ten qualities of kingship and the four *agatis*, vices to be avoided by a judge. But the crucial influence from the Tipiṭaka must have been the *Vinayapiṭaka*, since it provided a model both for the very idea of a written text dealing with substantive and procedural laws, and for the decorative incorporation of judgement tales. In the *Vinaya* these stories tell of the event which caused the rule to be formulated. In the western and northern traditions they are sprinkled about haphazardly to elaborate and illustrate certain points of law. In the eastern tradition they are not allowed into the law texts themselves, but form an independent literature. Sometimes the appeal made by secular law to the *Vinaya* is explicit, as in Badon's Big One:

> "s.35 A monk who causes quarrels among the assembly of monks is driven away from it. A man who creates fights among his fellows must also be driven away from the community…"

3d. Law and kamma

One cannot over-emphasize the degree to which lay Theravāda Buddhism depends on *kamma*. A layman performing any act with ethical connotations is operating within a merit economy. He is either increasing or decreasing his store of merit. I use the economic metaphor advisedly, since lay Buddhists often keep a 'merit account book' in which they enter their *kammic* credits and debits. *Kamma* is conceived as having been a natural world process before the rolling of the wheel of the Buddha's message. It is temporally, perhaps even logically, prior to the *Dhamma*. Is it, as has been often claimed, 'natural law' idea? Answering this question would involve analysing the changes of meaning which two thousand years of European intellectual history have wrought on the phrase. I am content to adopt Gombrich's statement:

> "Ultimately *karma* is itself the law (behind all other laws) which will catch out the malefactor; it has an authority over and above the authority of its agencies… Regulatory institutions, such as the existing legal system and indeed the pantheon are indirectly legitimized as agents of reward and punishment; even if punishment appears unmerited, it may result from bad

acts in a former life. Nature itself thus has a kind of immutable authority: its essence (*svabhāva*) is in part normative (natural law)."[93]

When I first started thinking about this, I was puzzled by the co-existence of *kamma* and legal sanctions. Put crudely, why bother executing a dacoit when, in this lifetime or the next, he will inevitably suffer due *kammic* retribution? I now realize this is a non-question, since legitimation of law is a matter of both / and rather than either / or. Governments, to maintain their power, will manipulate all and any set of ideas be they traditional or modern, religious or utilitarian. Separate and mutually contradictory modes of legitimation ("Obey the law because it is old". "Obey the law because it is new".) can simultaneously appeal to different groups of citizens. Indeed, most of us, most of the time, are quite capable of being persuaded simultaneously by such contradictory appeals. So now I prefer to examine the artfulness with which the authors of the legal texts have balanced the conflicting appeal of secular and *kammic* sanctions, and of carrots and sticks (or arguments invitatory and deterrent, as Bentham puts it).

Klacwa's edict on theft is a graphic example of the attitude of a thirteenth-century Burmese king, all the more valuable since the text is indisputably authentic. He quotes a list of twelve terrible modes of execution from the Canon, and proclaims that this is the kind of action a king can be expected to take. But the list is embedded in such a complex set of arguments against committing theft. I summarize Klacwa's rhethoric as follows:

1. Being compassionate, I don't want to adopt the horrible punishments used by earlier kings.
2. Obedience will give one prosperity in this life and hereafter.
3. Theft is not beneficial to fellow human beings.
4. Twelve horrible forms of death are applied to a thief.
5. Even if not caught, a thief must always worry about capture; he must live as an outlaw without a home.
6. No thief has ever escaped capture for more than three years.
7. After death the thief will go to the four hells.
8. Before death the thief will be punished by the king with reference to the written texts and the degree of his crime.
9. The canonical list of executions is recited, along with their traditional meanings.
10. In the next existence the thief will be burnt inside and out for ten million years. When reborn to mankind, he will be born blind and in great poverty.[94]

In 1 to 3 the king is using moral persuation: he is pointing out the *kammic* carrots which reward right behavious. In 4 to 6, the king enumerates the worldly sticks which follow from disobedience: royal punishment is only one of these. In 7

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[93] R. Gombrich, "Buddhist karma and social control", *Comparative Studies in Society and History*, 17, 1975, 218.
[94] *ROB* 6-5-1249.

and 8, he declares that royal punishment and *kamma* are complementary sticks. In 9 and 10, he describes the sticks in graphic detail borrowed from the Pāli Canon. There is a progression as we move through the edict from the king speaking as friendly adviser to the king speaking as keeper of the peace to the king enunciating awesome religious doctrine. A subject who fails to follow the king's advice and commits theft will either suffer in this lifetime through royal punishment, or in his afterlives through the operation of *kamma*. If the king is totally successful in catching thieves, the fail-safe of *kammic* retribution will be unnecessary.

This deals with criminal law and the infliction of punishment. But what about payment of compensatory damages as regulated by the *dhammathats*? Does a thief who pays damages to his victim thereby erase his *kammic* debt and evade further *kammic* retribution? The Burmese *Wageru dhammathat* was written about the same time as Klacwa's edict, though no doubt the text we contains later interpolations. Sections 47–51 deal with adultery and can be summarized as follows:

1. An adulterer shall either be born 500 times in hell or, if born to mankind, will be born thrice as a hermaphrodite or as a woman.
2. There are five degrees of adultery.
3. Compensation is payable at 15, 30, or 60 pieces of silver.
4. The husband has a right to kill the adulterer only if caught *in flagrante delicto* (defined as ending when the escaping adulterer reaches the bottom of the stairs from the bedroom).
5. Damages for adultery depend on the status of the cuckold: 11 statuses from slave to royal minister are enumerated.

Wageru gives pride of place to *karmic* retribution, but then proceeds to define compensation and to limit the husband's right to immediate vengeance. It is silent as to whether payment of appropriate damages will exempt the adulterer from the *kammic* retribution described in 1, though the strong language used therein perhaps hints at a negative answer. If *dhammathats* are to encourage compensatory damages, they should explicitly describe the payment thereof as *kamma*-cancelling. One of the recently published North Thai Mangraisat documents (assumed to date from the fifteenth century) takes this approach:

"1. Brahmā established four royal punishments: chaining, amputation, exile and execution.
2. Later on, when the people complained that law and order were deteriorating, the king allowed compensation in money to be paid, so that people would not be stirred into seeking revenge.
3. He who acts wrongly but then pays compensation has his demerit cured."[95]

[95] Wichienkeeo and Wijeyewardene, *The Laws of King Mangrai*, *op. cit.*

The only tentative conclusion I can draw from this glimpse of early punishment theory is that kings were more high-handed in co-opting *karmic* retribution to their worldly ends than were the pious authors of the early *dhammathats*.

Conclusions

In the present paper I have been trying to show how, starting from the identical Pāli Cultural Package and not radically dissimilar oral customs, the three areas of legal texts have evolved in different directions. From the point of view of literary criticism, the genre traditions are related, but have a different emphasis in each region. From the sociological point of view the 'guardians of the law text', the humans involved in copying, collating and re-writing the law texts, are different in each region. In Burma they comprise a self-selecting group of monks, courtiers, judges and, I suspect, pleaders. In the northern region the texts were certainly preserved by the monks, and may also have been written by monks at the king's behest. In Siam, and perhaps also Cambodia, a hereditary group of Brahmins taken from Angkor, the *lukkun*, acted as a Royal Department of Keepers of the Law Text (and also, I suspect, as legislative drafters).

Of the three traditions, the western or Mon / Burmese is of the greatest comparative legal interest. Firstly because it developed a legal profession earlier than any western European nations. The only earlier model available for comparison is the emergence of the prudentes, the lawyers of late republican and classical Roman law. They—Cicero is the best known example—could use their specialist knowledge of law and rhetoric to build political power bases. In Rome the lawyer-client and the patron-client relationship overlapped. An unanswered question of Burmese history is whether the pleaders had, by virtue of their profession, similar political possibilities.

Secondly, because Burma possessed a legal ideology deceptively similar to that of the English common law, substantive law was seen as a national birthright rather that an imposition from the king. The responsibility for preserving and restating the substantive law rests with the people, exercisable by a literate subgroup whose authority they recognize. Here the comparison breaks down, for in England the job was handed to judges, and to the written records of their pronouncements on law in a particular case, while in Burma judges (and perhaps pleaders) were included among the 'guardians of the law text', but were supplemented by others with poetic and theoretical interests, by those who saw the *dhammathat* genre as the proper repository of all knowledge on social life.

Before my praise of Burmese law carries me away, I had better admit to two distortions which are inherent in the evidence I have been examining. Firstly, the law texts of Burma are more numerous, more accessible, and cover a greater time span than those of the northern and eastern traditions. The Siamese and Cambodian codes, at least in the form in which they survive, may not date back much before the eighteenth century, while the northern texts from Lan Na appear mostly to date from the fifteenth and sixteenth century. In comparing law texts I am inevitably comparing different periods of different cultures. Secondly, just as the

map is not the territory, so the Law Texts are not dispute settlement in practice. Many of the earlier European visitors to Burma and Siam said, in effect: "Nice code—pity they don't practise it." My next task, for another paper, is to sort through this and other evidence of actual dispute settlement, and to try to ascertain how far practice and theory diverged.

What kind of factors might have caused the separate development of the three Pāli-land legal traditions? I would look first at ecological factors. The Irrawaddy and Chao Phraya Rivers offer opportunities for expansion which are denied to those living near the non-navigable Salween and Upper Mekong. The Pāli-land evidence indicates a take off point for the development of legal texts in terms of the size of area controlled. Thus the states clustered around the last named rivers—Keng Tung, Sipsong Panna, the Shan States—never developed a legal literature. Lan Na in the sixteenth century seems to have teetered on the cusp of being big enough. For two hundred years texts were produced, but, after the Burmese invasion and the subsequent depopulation, production lapsed.

Yet, if we widen our view to include Sri Lanka, smallness of territory cannot be the only factor inhibiting the growth of legal texts. None of the Pāli-land kingdoms had such a grand sweep of tradition behind then as did the Buddhist kingdoms of Sri Lanka. And none could look back in the eighteenth century on such a long tradition of literacy. There is some slight evidence that earlier Buddhist kingdoms may have had written law texts.[96] But whatever works once existed, they did not have 'guardians of the law text' to preserve and develop them. The arguments from silence are overwhelming: if the coastal Buddhists had relied on traditional law texts, they surely would have showed them proudly to the Portuguese strangers who were so inquisitive as to their laws. And representative texts would surely have been packed up and taken to Kandy when the kingdom moved up there, just as in Thailand one-tenth of the legal literature survived the sack of Ayuthaya to be lovingly preserved in Bangkok. Sri Lankan Buddhists, despite 1800 years of literate culture, did not produce a lasting textual tradition of secular laws.

The obvious difference between Pāli-land and Sri Lankan Buddhism is that the latter has made accommodation with a caste system based on the Indian model. The top two *varṇas* have dropped out, but Sri Lankan literary tradition expressly derives its caste system from the four *varṇa* model described in the *Manusmṛti*. Indian and Lankan caste share the same legitimating texts, but there is evidence of divergent development:

> "Whereas, therefore, a description of an Indian tribe or caste is concerned with the custom or habits which its members traditionally follow, in Ceylon it will be found that writers who discuss the subject

[96] One of the chronicles refers to a thirteenth-century Prince Consort compiling a textbook of law. One of the Burmese literary histories refers to a Ceylon *dhammathat*, which has since been lost.

occupy themselves largely with the duties which the several communities may be called upon to perform."[97]

If this sounds faintly reminiscent of the Burmese *ahmudan* and the Siamese *sakdi na* systems of administration, it will remind us that in Brahmin-less Sri Lanka the king performed the brahmin's role of consolidating and legitimating caste. Indeed, this royal rule was viewed as being secular, so that the Portugese had no qualms in taking over this 'caste jurisdiction' from the king when they supplanted him. The Lankan king was a busy ruler: as well as organizing the economy and purifying the Saṅgha (which was also the role of monarchs in Pāli-land) he had sole responsibility for the administration of justice and the exercise of caste jurisdiction. Theoretically there was an administrative level standing between him and the village courts, who should be appointed from the literate aristocracy. Those wishing to enter at this level, I have suggested, were an important group of the 'guardians of the law text' in Burma. We have evidence that in Sri Lanka they were not much interested in the legal administration:

> "The chief officer being principally chosen from the noble families, it frequently happens that they are men of inactivity and inability; being inexperienced in the affairs of the provinces or department committed to their charge, they were frequently guided in judicial as well as in other matters by the provincial headmen or by those of the household."[98]

And Geiger has said of the mediaeval Buddhist kingdom:

> "As to the administration of justice the information we can gather from the *Mahāvaṃsa* is not very copious. The reason may be that for a good deal of jurisdiction concerning minor offences the village community and its headmen were competent, so that the general public are not much affected by these legal affairs."[99]

I am unsure which is cause and which effect, but I do see a relationship between the absence of a written legal tradition and the fact that men staffing the middle levels of administration are uninterested in their legal functions. In their absence from the legal picture, there is a twofold division of law jobs. At the top the king must regulate caste and promulgate decrees about the administration of justice. At the bottom village headmen can enforce and enunciate local unwritten village law. In a thirteenth-century inscription we see a Buddhist king pursuing his two functions. He exorts his subjects to: "Preserve the station of their families and follow ancestral customs."[100]

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[97] F.A. Hayley, *Treatise on Laws and Customs of the Sinhalese*, Colombo, 1923.
[98] Sir J. D'Oyley, *Sketch of the Customs and Constitutions of Kandy*, Delviwala, 1929; he is describing Kandy circa 1815.
[99] W. Geiger, *Culture of Ceylon in Mediaeval Times*, Wiesbaden, 1960.
[100] R. Pieris, *Sinhalese Social Organisation*, Colombo, 1956.

If we widen the area of legal comparison yet further to include India, we might choose the presence or absence of brahmins as a factor influencing the path of legal development. In India they preserve the sacred nature of a body of rules which the Buddhist countries consider secular. In Sri Lanka their absence pushes the king into combining the roles of administrator of justice and adjudicator of caste, and inhibits the production of written law texts. In Siam and Cambodia the added legitimacy they brought to the monarchy was bought at the price of allowing them to monopolize the law texts. Only in Burma, where the court brahmins played a role as unimportant as the college of heralds in the modern UK, was there significant movement towards an autonomous legal culture.

Are Pāli legal terms found outside Southeast Asia?

There remains one important historical question on which I have not ventured an opinion, because a solution goes beyond my present knowledge. But members of the Buddhist Forum may have come across further relevant evidence. I have argued that western and eastern traditions go back to an urtext written in Pāli and extant in Ramannadesa in the twelfth century. I have suggested that the closest surviving *dhammathat* we have is the Burmese *Manosara* (D1). But I have not dealt with the question of whether the urtext itself entered Southeast Asia as part of the Pāli Cultural Package. Was secular legal scholarship in Pāli a development local to the Mon lands of the Irrawaddy basin? Or was a Pāli legal text composed elsewhere, for example in northeast India or Taxila or Sri Lanka, and then introduced into Southeast Asia by Theravāda monks?

From the western and eastern law texts one can combine several Pāli technical lists which are either genuinely antique or clever forgeries. I would be grateful to any one who could point me towards parallel passages in any of the languages of south and east Asia. From the eastern *dhammathats* come:

1. The list of 24 points of procedure—a sort of checklist for judges to follow—divided into eight groups of three which bear the Pāli names: *timūlako, tiatthata, tinissayado, titulabhūto, tieyssaro, tidhammattho, timatthaka*.

2. The list of 10 works on procedure (?) with the Pāli names: *lakkhaṇa indabhāsā, dhamma-annuna, sakaccha, sakkhicetako, annamanno, patibhanatitakkho, athapontho, daṇḍo*.

3. The list of 29 sorts of dispute in Pāli, too long to reproduce here.

From the western *dhammathats*, and alluded to in northern texts, comes:

4. the list of 25 kinds of theft, divided into 5 groups of 5 collectively entitled *ekawondakapensaka; nanabandapensaka; thahatekapensaka; pokpapayankapensaka; tagra wa harapensaka*.

If these lists have parallels outside Southeast Asia, it would immeasurably strengthen the conjecture, originally put forward by Forchhammer, that a secular

legal text arrived as part of the Pāli Cultural Package. In itself I find the conjecture plausible. *Wannadhamma Shwe Myin* (D15) traces its textual tradition as follows:

> "This is my version of (1) Kaingza's *Shwe Myin* (D7) of (2) Bodawyattha's 1550 version of (3) an unknown Mon priest's version of (4) a Pāli *dhammathat* written by the third legendary king of Pagan in the third century A.D."

It is only stage (4) which is inherently unlikely, since we have good reason to believe that Pagan was founded in A.D. 1044. But could not stage (4) represent a genuine Mon tradition that their book was based on a text that was (a) from some non-Mon kingdom (b) from great antiquity and (c) written in Pāli? We must choose whichever of two conjectures is less implausible. Either a secular legal text was composed in Pāli somewhere outside Southeast Asia, but has survived only within Southeast Asia by Mon transmission and adoption. Or a summary of the Sanskrit Manu *Dharmaśāstra* arrived in tenth-century Ramannadesa and stirred up a frenzy of legal creativity by Theravāda Buddhists. If passages parallel to the Pāli lists I have mentioned can be located in manuscripts from China, India, Sri Lanka or Central Asia, it would make the first conjecture much more plausible.

"KILL THE PATRIARCHS!"

T.H. Barrett

The quotation[1] which forms my title has, of course, been wrenched out of context, though the context as a whole is dramatic enough:

> "If you meet the Buddha, kill the Buddha; if you meet the patriarchs, kill the patriarchs; if you meet Arhats, kill Arhats; if you meet your parents, kill your parents; if you meet your relatives, kill your relatives; then for the first time you will see clearly."[2]

So spoke I-hsüan of Lin-ch'i, better known to aficionados of Zen as Rinzai, founder of the school of that name that survives yet, over eleven centuries later. In the remarks that follow I shall make no attempt to explain this passage—that is a task which probably lies beyond me. Rather, I shall endeavour to give my own answer to two questions. Who are the patriarchs? Why should they be in such exalted company, ahead of Arhats and parents, second only to Buddhas?

The answer to the first question seems straightforward enough. They were, as Ch'an (Zen) tradition affirms, a line of some two dozen or so successive spiritual leaders forming an unbroken chain in India from the time of the Buddha himself down to that of Bodhidharma, who departed that land for China late in the fifth century of our era and initiated a further succession, from which number Hui-neng, the Sixth Patriarch, is incontestably the most famous. But such a brief definition does not begin to do justice to the hold which this patriarchate held over the imagination not only of Buddhists but of their opponents besides.

Thus for centuries Neo-Confucians have been plagued with accusations that their own conception of spiritual lineage was originally derived from that of the Ch'an patriarchate, and these accusations are still the subject of academic debate today.[3] Certainly later Taoists and followers of quasi-Buddhist sects felt no

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[1] In the following notes original materials are cited as far as possible from the following three collections: 1. The Buddhist Canon in the Taishō edition (T), cited by volume number, page and frame; 2. The Taoist Canon as reprinted in the 1920s (*Tao-tsang*), cited by text number in the *Harvard-Yenching Index* enumeration, *chüan* and page; 3. The *Ch'üan T'ang Wen* for texts of secular authorship, cited by *chüan* and page number of the original 1818 Palace Edition as *CTW*.

[2] There are several translations from his sayings: the passage quoted occurs e.g. in Irmgard Schloegl, *The Record of Rinzai*, London, 1975, 21.

[3] The issue has mainly been discussed in recent years in connexion with the T'ang origins of Neo-Confucianism: *cf.* C. Hartman, *Han Yü* and the *T'ang Search for Unity*, Princeton, 1986, 160–66, and 330–32; Hartman refers to some earlier work of my own, to which might now be added "How to Forget Chinese History", *BBACS*, 1986, 12–21.

compunction about terming their leaders patriarchs, whilst listings of the Buddhist patriarchs may be found not only in Ch'an texts but also in general compilations such as administrative encyclopaedias.[4] Some features of the story of the transmission of patriarchal authority to the Sixth Patriarch seem to have had an even wider influence,[5] turning up in Shintō literature in Japan, while one of the pioneers of the academic study of Chinese Buddhism in Europe had to combat the hopeful suggestion that Bodhidharma might have been none other than Saint Thomas.[6]

Our researches have now, thankfully, matured to the point where more critical approaches are the norm, and a number of studies have recently appeared in English which have raised important questions concerning the genesis of Ch'an traditions relating to the patriarchate. Bernard Faure, for instance, has pointed out that in the earliest (seventh-century) biography of Bodhidharma there is no hint that his religious career should be seen as part of some unbroken series; rather, it is examined by means of a comparison with the career of a figure representing a different type of religiosity.[7] The emergence of the Ch'an school as a whole has been the subject of a very extensive monograph by my erudite friend John McRae, in which he demonstrates just how central the patriarchal succession is to the identity of that school: "The traditional orthodoxy of the Ch'an School would have its followers believe that the only significant information about Ch'an is the body of biographical information and inspired sayings of a number of individual religious authorities, who follow each other in master-disciple relationships much like a set of beautiful pearls on a string."[8] It was this "string of pearls" which, then, constituted Ch'an as traditionally understood, that Ch'an which the movement's own ancient authorities defined as "A special transmission outside the scriptures, not founded upon words and letters; by pointing directly to man's own mind, it lets him see into his own true nature and thus attain Buddhahood".[9]

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[4] The two most prominent patriarchs in these other traditions were, for Taoism, Lü-tsu (i.e. Lü Tung-pin, allegedly ninth century A.D.) and, in sectarian religion, Lo-tsu (? Lo Ch'ing, 1442–1527); *cf.* also the final remarks in the study by Jorgensen cited below. Listings of the patriarchs and the Ch'an lines of transmission derived from them may be found in Wang Ch'i, *Hsü Wen-hsien t'ung-k'ao*, *chüan* 248–52, various editions.
[5] *Cf.* R. Borgen, *Sugiwara no Michizane and the Early Heian Court*, Cambridge, Mass., 1986, 327.
[6] J.P. Abel-Rémusat, on page 125 of his "Sur la succession des trente trois premiers patriarches de la religion du Buddha", as printed in his *Mélanges Asiatiques*, I, Paris, 1825, 113–28.
[7] B. Faure, "Bodhidharma as Textual and Religious Paradigm", *History of Religions*, 25,3, 1986, 187–98; as Faure's title suggests, his own interest in not in the patriarchate at all but rather in combatting the prevailing assumptions in Ch'an studies concerning the nature of the surviving documentation on the origins of Ch'an.
[8] J.R. McRae, *The Northern School and the Formation of Early Ch'an Buddhism*, Honolulu, 1986, 7.
[9] Isshū Miura and Ruth Fuller-Sasaki, *Zen Dust*, New York, 1966, 229–30.

We shall revert shortly to McRae's study, which is rich in materials locating the emergence of the concept of a patriarchal succession within Chinese Buddhism. But the immediate starting point for my investigation is a further publication by John Jorgensen, concentrating on eighth-century squabbles over the status of the Sixth Patriarch which brought the Ch'an "string of pearls" to widespread attention, and which he analyses not simply in terms of Buddhist belief, but also as a reflection of purely indigenous Chinese concepts of legitimate succession: the impact of Ch'an, in his opinion, derived in no small part from its ability to model its patriarchal succession upon Chinese patterns of family descent and imperial rule.[10] There is much to commend such an interpretation (though perhaps not without qualification) when applied to the disputes of the eighth century, but even a cursory reading of the Japanese scholarship (notably that of Yanagida Seizan, but more recently the work of Tanaka Ryōshō), upon which all three of the above-mentioned scholars draw most profitably, reveals that the notion of a patriarchate was already, embryonically at least, in existence well before the period on which Jorgensen himself concentrates.

Thus Tanaka, while agreeing with the general view that the seventh-century biography of Bodhidharma (which, more precisely, must have reached its present form by A.D. 667)[11] contains no explicit reference to a "transmission of the lamp" succession (i.e. handing on the torch of Buddhism, Ch'an's own way of expressing McRae's "string of pearls"), nonetheless the biography of his disciple Hui-k'o in the same source already contains a prophecy about events occurring "four generations later" which must from context refer not to an inexact way of counting the passage of time in general but to a succession of four master-disciple relationships.[12] Jorgensen himself, too, following Tanaka, notes at the end of the same biography a reference to two disciples in Hui-k'o's lineage (*tsung-hsi*), and, following Yanagida and McRae, goes on to list the appearance in an epitaph dated 689 for the monk Fa-ju of the term "patriarchal teacher" (*tsu-shih*) along with a more explicit listing of a lineage of four names after Hui-k'o.[13] He also treats briefly a text known as the *Ch'uan fa-pao chi* by Tu Fei and a somewhat later work, the *Leng-chia shih-tzu chi* by Ching-chüeh, which provide versions of the Ch'an lineage from the second decade of the eighth century, before examining in more detail developments some twenty years later.[14]

Granted that these early sources passed over so rapidly by Jorgensen provide but rudimentary descriptions of the patriarchate when compared with those that were to follow, there would still seem to be some point in exploring in the seventh-century background not only (as McRae has already done) in Buddhist materials but also in non-Buddhist literature, as Jorgensen has already done for the later period, in order to gauge some of the forces which may have ushered the conception of

[10] J. Jorgensen, "The 'Imperial' Lineage of Ch'an Buddhism: The Role of Confucian Ritual and Ancestor Worship in Ch'an's Search for Legitimation in the Mid-T'ang Dynasty", *Papers on Far Eastern History*, 35, 1987, 89–133.
[11] Tanaka Ryōshō, *Tonkō Zenshū bunken no kenkyū*, Tokyo, 1983, 570.
[12] *Ibid.*, 608.
[13] J. Jorgensen, *op. cit.*, 101.
[14] *Ibid.*, 101–2.

the patriarchate into being. To be fair, Jorgensen himself does mention some initial stimuli to the development of Buddhist notions of patriarchal succession, such as the prevalence of genealogical studies in the aristocratic society of the age,[15] and the supposed tendency of Buddhist chains of masters and disciples to inherit property rights in pseudo-genealogical fashion.[16] This last stimulus has also been brought forward by contemporary Chinese Marxist scholarship,[17] but the major drawback to accepting its validity is the complete absence of any evidence for transfer of property (apart from some later allegations of mantle inheritance) within the early Ch'an lineage. Not only were the monks concerned not domiciled at the same monasteries; there is also plenty of evidence to suggest that the Ch'an lineage (and maybe others) were *invented* traditions, which could only attempt to confer legitimate possession of a spiritual, not a material, legacy.[18]

So let us look at the matter of spiritual legacies in Chinese civilization, starting with the term *tsu-shih* itself. Rather than 'patriarch-teacher', a more literal and etymologically correct translation would be 'ancestor-teacher'. But in this context of intellectual influence *tsu* seems early to have lost any literal meaning of 'ancestral': Confucius himself is described in one of the Confucian Classics as having *tsu-shu*, "taken as ancestral and described", the doctrine of the far more ancient sages Yao and Shun.[19] That is, he proclaimed their virtues as the self-appointed heir of these sages: there is no question of any direct thread of succession between himself and figures so remote. Similarly (according to the seventh-century commentator, who quotes the phrase *tsu-shu* for comparison) *tsu-shih* is used by Shen Yüeh (441–513) in discussing lines of intellectual influence in the Han dynasty (not lines of direct transmission). This passage may be found in an essay of his included in the *Wen-hsüan* literary anthology—and the Classics and the *Wen-hsüan* were the "Bible and Shakespeare" of the seventh century.[20] No wonder, then, that some seventh-century Buddhists saw no need for a continuous "string of pearls", but were quite happy with a sequence of pearls spaced at regular intervals. Chi-tsang (549–623), for example, in his *San-lun hsüan-i*, quotes a *sūtra*, the *Mo-ho-mo-yeh ching*, which names seven great Buddhist leaders distributed amongst each of seven centuries following the Buddha: the seventh, Nāgārjuna, whose teachings Chi-tsang himself propagated, is even described as having *lighted* the torch of the Dharma, rather than as having received it already lit.[21]

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[15] *Ibid.*, 90, 98.
[16] *Ibid.*, 99.
[17] Apart from those scholars cited by Jorgensen (see preceding note) one might add e.g. Fang Li-t'ien, *Wei, Chin, Nan-pei-ch'ao Fo-chiao lun-ts'ung*, Peking, 1982, 245.
[18] Faure's article, cited above, gives an excellent methodological perspective on the degree of invention prevalent in the texts of early Ch'an; McRae's remarks from a more conventionally historical standpoint on Seng-ts'an (*op. cit.*, 11) dispose entirely of the supposed Third Patriarch's role in any possible succession—just to cite one example.
[19] *Cf.* J. Legge, *The Confucian Classics*, vol. 1, Hong Kong, 1960 reprint, 427, *Chung Yung*, 30.1.
[20] *Wen-hsüan*, 50.12b (Hu edition).
[21] T. 12, 1013b, quoted in T. 45, 6b. Chi-tsang and later San-lun scholarship constructed a continuous tradition in China, but it seems that in earlier times this was considered to have been interrupted: *cf.* T'ang Yung-t'ung, *Sui-T'ang fo-chiao kao*, Peking, 1982, 111.

At the same time unbroken continuity ever since the Buddha's lifetime was stressed elsewhere in Buddhist literature, particularly with regard to the *Vinaya*: presumably (though I stand to be corrected) any admission of discontinuity here would have had consequences for the validity of ordinations. The most famous text of this type known through Chinese sources is the so-called "Dotted Record", the copy of the Vinaya brought to Canton in 488 to which a dot had been added for every year that had passed since the Buddha's lifetime: in 489 the total stood at 975 dots.[22] The account of this preserved in the late sixth century also lists the succession of six teachers responsible for transmitting the *Vinaya* in early times: such succession lists are by no means unparallelled in other sources,[23] as McRae notes.

A further type of source for such lists (also discussed by McRae) is the literature in Chinese surrounding the *Ta-mo-to-lo ch'an-ching*, a work on meditation translated early in the fifth century: meditation teachings, too, presumably required an unbroken transmission. Here we get some far longer lists of names (fifty or so), coming right down to the translators of the text, and (in some versions at least) all but the last few are denominated arhats or bodhisattvas. There is no mention, however, of this line of transmission continuing in China, nor is the Chinese term 'patriarch' (*tsu-shih*) used in any description of these meditation teachers: McRae does employ the word 'patriarch' in his translation of a famous preface to the *Ta-mo-to-lo ch'an-ching* by Hui-yüan (334–416), but the Chinese original, *tsung*, simply refers to lineage membership.[24]

Even more influential than this text was another known as the *Fu-fa-tsang yin-yüan chuan*: Tanaka points to evidence of its impact on iconography by the end of the sixth century.[25] This work presents us, more manageably, with a couple of dozen names of transmitters of the Buddha's law in India, a list that was to become the basis of Ch'an accounts of the Indian transmission—except in one important respect: in the *Fu-fa-tsang yin-yüan chuan* the list is terminated in India with the death of the last-named worthy, Siṃha, killed in an anti-Buddhist persecution in Kashmir. In fact this tale is not quite what it seems, since at the start of this century Henri Maspero had already proved that this list was concocted in China from shorter *Vinaya* lists and other sources; its dramatic conclusion, which is followed by a lengthy disquisition on the iniquity of extinguishing the light of

[22] The most recent "Study of the Dotted Record" is that by W. Pachow, in *JAOS*, 85.3, 1965, 342–49: it has, of course, been much discussed in connection with the dating of the life of the Buddha.
[23] T. 49, 95b, gives the passage in question; McRae, *op. cit.*, p. 298, n. 197, gives also some earlier examples.
[24] McRae, *op. cit.*, 80–82: the translation on the last page has perhaps been influenced by a somewhat interpretative Japanese rendering of the same piece in a standard work on Hui-yüan.
[25] Tanaka, *op. cit.*, 66–73.

Buddhism, marks in his view a date of composition shortly after a major North Chinese persecution of Buddhism in the mid-fifth century.[26]

But even if these transmission lists fell short of providing a full working prototype of the patriarchal succession, they did put at the disposal of seventh-century Buddhists model chains of teacher-disciple continuity far more impressive than any available in other spheres of Chinese culture. The seventh century was in fact a time when such chains were very much a matter of current concern: the new age of stability following centuries of disunion and chaos was very keen to reaffirm its links with antiquity. For example, in the preface to the official commentary on the *I Ching* (all the Confucian Classics were equipped with commentary in the middle of the century) we find much discussion of the chains of masters and disciples responsible for transmitting an understanding of this work through to the Han dynasty, but there is no comprehensive listing thereafter.[27]

In the arts, too, we get a concern for tradition expressed, but still not worked out so consistently. One preface to a work on painting dated 639 speaks of the many outstanding painters of the period of disunion "transmitting their mind's eye" to one another,[28] which might perhaps be taken as an anticipation of the Ch'an doctrine of transmission from mind to mind, but no early text on painting known to me elaborates on the idea. True, in the field of calligraphy we do possess one document providing a transmission list of twenty-three names who maintained a style of calligraphy revealed by a spiritual being, but since the list (undated) ends with names in the late eighth century we cannot rule out an influence from the Ch'an conception of the patriarchate itself—though the existence of this document may be used to show the compatibility of Ch'an with a general Chinese interest in the maintenance of tradition.[29] In fact Tu Fei, in the *Ch'uan fa-pao chi*, compares the Ch'an patriarchate quite explicitly with Chinese concepts of transmission, but not those associated with painting or calligraphy: it is alchemy which he takes as the closest analogy to Ch'an. For only by studying with the right teacher can one be taught how to create an elixir of immortality: reading about it in Taoist books, he says (with good reason, one might add!), obfuscates everything.[30] There is indeed plenty of evidence for compatibility between certain Ch'an and Taoist ways of thinking: we find, for instance, the Ch'an concept of "transmission from mind to mind" being used in a Taoist context within a century of its first appearance in a Ch'an text.[31] But even if Tu's use of analogy tells us quite clearly that the concept of a patriarchate must have been very much a novelty demanding explanation in his

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[26] H. Maspero, "Sur la date et l'authenticité du *Fou fa tsang yin yüan tchouan*", in *Mélanges d'Indianisme offerts par ses élèves à M. Sylvain Lévi*, Paris, 1911, 129–49.
[27] See the preface to the *Chou-i cheng-i*, in *Shih-san ching chu-shu*, Taipei, 1977, reprint of Juan Yüan's edition, 1b, 11b–12a.
[28] *CTW*, 159, 10a.
[29] The document is included in the late ninth-century Chang Yen-yüan's *Fa-shu yao-lu*, 1, Shanghai, 1986, 14, though for some reason very much out of chronological sequence.
[30] See Yanagida Seizan, *Shoki Zen shisho no kenkyū*, Tokyo, 1967, 562.
[31] Cf. *CTW*, 719, 27a (circa 825) and Yanagida, *op. cit.*, 470–72, tracing the term back to a sermon by Shen-hui (684–758).

day, it is hard to find any earlier, explicit Taoist depiction of a "string of pearls" which could have served as a model for the new-fangled doctrine.

For while it is possible to point to lines of transmission of alchemical and other occult knowledge which may be retrieved from early writings,[32] once again it is not until the eighth century that we get any clear statement of a succession of patriarchs in Taoism, and that in historical terms a distinctly spurious one.[33] Nor does uninterrupted succession seem to have been obligatory in that religion: we learn in the ninth century of one series of seven perfected immortals connected by place rather than time.[34] The ruling dynasty during the seventh century had already conjoined genealogical succession with religious leadership by claiming descent from Lao-tzu, founder of Taoism, and imperial propaganda may have played some part in promoting an awareness of such matters in that century, as Jorgensen reveals that it did in the eighth.[35] But the T'ang emperors could hardly claim that all their ancestors were illustrious—it was the very obscurity of their forebears that allowed the claim to be made at all. What emerges from Taoist texts prior to the eighth century is not so much the elevation of chains of masters and disciples to patriarchal status as an emphasis on the transmission of sacred texts.[36]

And that is precisely true of Buddhism also. If we turn back to the transmission of the *Ta-mo-to-lo chan-ching*, we find that the line of arhats and bodhisattvas mentioned simply guarantees the text: given the text in translation, the Chinese had no further need of a line of supermen to pass it on. And when Chih-i (538-597), systematizer of the T'ien-t'ai school of Buddhism, quotes the *Fu-fa-tsang yin-yüan chuan*, the ultimate extinction of the line of the Buddha's oral teaching, the *chin-k'ou* ('Chrysostom') line, is of no consequence, since that line passed through Nāgārjuna, whose writings, available in Chinese, provide the foundation for Chih-i's own philosophy.[37] Other references to the "transmission of the lamp"

[32] *Cf.* Isabelle Robinet, *La Révélation du Shangqing dans l'histoire du Taoisme*, vol. I, Paris, 1984, 16, 17, 42, 49, etc.

[33] *Cf.* Maeda Shigeki, "Iwayuru 'Bōzan-ha Dōkyō' ni kansuru shomondai", *Chūgoku shakai to bunka*, 2, 1987, 227–34. *Cf.* also for this point (and for the general theme which I treat here) Yoshikawa Tadao, "Dōkyō no dōkei to Zen no hōkei", *Tōyō gakujutsu kenkyū*, 27 (special issue, 1988), 11–34.

[34] *Ch'üan T'ang shih*, 624, Peking, 1960, 71–74. There is, however, talk of a "Seventh Perfected One" going back apparently to the sixth century, though evidence that this messianic figure was one of a series (rather than a configuration, such as the seven stars of the Dipper) is entirely lacking: *cf.* Yoshioka Yoshitoyo, *Dōkyō to Bukkyō*, vol. III, Tokyo, 1976, 105–13, for this controversial figure.

[35] One of the chief vehicles for such propaganda was an imperially-sponsored biography of Lao-tzu, now unfortunately lost except for some quotations, by a Taoist priest named Yin Wen-ts'ao: a shorter work that is probably from his brush does, however, survive in the Taoist Canon: see Kusuyama Haruki, *Rōshi densetsu no kenkyū*, Tokyo, 1979, 403–22.

[36] See J. Lagerwey, *Wu-shang pi-yao*, Paris, 1981, 117–22, for a summarized account from a late sixth-century Taoist encyclopaedia of the whole role that transmission of texts played in Taoism.

[37] On the T'ien-t'ai concept of transmission, *cf.* McRae, *op. cit.*, 82–3, and his note 205, pp. 299–300, for some further references.

up to the mid-seventh century similarly quote a few names from this lineage only in order to emphasize the survival of their teachings in written sources.[38]

So why a subsequent rejection of texts and a return to these lineages with the new purpose of deriving ineffable truth from them? As McRae notes, the Buddha's ultimate teaching had always been considered to be ineffable:[39] this axiom we find duly repeated in the Buddhist literature of the period. And, of course, we find similar statements in Taoist sources also:[40] the ineffability of any truths concerning the Tao had been a key tenet of that religion since (in the opinion of its later believers, at least) the composition of Lao-tzu's *Tao-te ching*. So an awareness of the inability of words to capture ultimate truth can hardly have struck home with any great novelty in the late seventh century. More plausible, however, is a new, or newly heightened, awareness of the fallibility of texts—and, yet more so, of their readers.

Now it is possible to point to a very specific reason for this in the history of mid-seventh-century Chinese Buddhism, and that is the successful career of the great translator Hsüan-tsang (600–664). After long years of journeying and studying this remarkable figure returned to China in 645 to produce a steady flow of translations of the highest possible quality from a voluminous collection of Sanskrit manuscripts which he had brought home with him. For reasons in part philosophical but also stemming from his unrivalled command of both Chinese and Indian languages he was highly critical of at least some of his predecessors, whose works were relegated to the obsolete category of 'old translations'. But this did not happen without a detectable backlash from those who felt that he was subverting their whole understanding of Buddhism by questioning the value of the texts most familiar to them.[41] In fact by exciting such a backlash this signal triumph for Chinese Buddhism only exacerbated the very problem that had impelled Hsüan-tsang to undertake his journey in the first place:[42] Chinese Buddhists were still unsure of their texts, and unsure of their meaning.

Yet it was not just the Buddhists who were worried about their grasp of their ancient spiritual heritage: in contemporary Taoism, too, we find at least one scathing reference to 'latter-day people' who treat Lao-tzu's sacred writings as if they were a matter for academic debate, rather than profound respect.[43] This may

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[38] *Cf.* T. 50, 445a, col. 10–12, quoting a mid-seventh-century letter from the emperor to a monk reluctant to assume official responsibilities at his behest, for one good example. For an earlier (early sixth-century) example, *cf.* T. 50, 345b.
[39] McRae, *op. cit.*, 78.
[40] e.g. Tao-tsang, No 769, 1.21a, col. 2–4: this is a quotation within a quotation from the lost biography of Lao-tzu mentioned above which dates from about A.D. 680.
[41] On this backlash see e.g. Hsiung Shih-li, "T'ang-shih fo-hsüeh chiu-p'ai fan-tui Hsüan-tsang chih yin-ch'ao", in Chang Man-t'ao, ed., *Hsien-tai fo-chiao hsüeh-shu ts'ung-k'an*, vol. 6, Taipei, 1977, 225–34.
[42] *Cf.* T. 50, 221a (his biographer), 261a (his own statement).
[43] *Tao-tsang*, no. 953, 13a: this is the work which Kusuyama, referred to above, ascribes to Yin Wen-ts'ao. There may have been some immediate political reasons for this remark, since in 674 the *Tao-te ching* was on the Empress Wu's suggestion made a set text in civil service examinations: see the study by Guisso cited below.

appear to be a slightly different problem, but the term 'latter-day' marks the passage off as betraying a degree of eschatological concern—or, more precisely, concern over the 'spiritual entropy' entailed by the ever-increasing passage of time that separated mediaeval China from the sages of high antiquity, a concern which in some circles at least fuelled equally disturbing hopes that a future sage might appear to bring new light to an etiolated tradition.[44] In Taoism such hopes and fears were, in the seventh century of our era, strictly muted, in that they had been co-opted by the imperial line, which embodied (in its own view) a revival of Taoist fortunes: at one point the heir apparent was even given a name with quite explicitly messianic connotations in Taoist lore.[45] Under such circumstances too overtly expressed fears over decline and gathering darkness became politically inexpedient, for obvious reasons.

But in Buddhism such fears were nothing if not rampant. Worries over the decayed state of the religion, the age of the 'decline of the Dharma' (*mo-fa*), assailed Hsüan-tsang even in his moments of greatest triumph,[46] while lesser mortals seem to have faced them at every turn.[47] As has been noted by a number of scholars, the notion that the truth was destined to fade away and that untruth would increasingly and inexorably prevail seems to have resulted in a form of paranoia in China, even if these ideas first came into being elsewhere entirely.[48] This paranoia has, for example, been seen lying behind the increased sectarianism of the seventh century, the "I am right and you are wrong" which begins to supplant more pluralistic approaches to truth and encourage the growth of recognizable rival schools of Chinese Buddhism.[49] Rather than let such unpleasant

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[44] Despite a recent conference on Maitreya, the Buddha of the future, still no integrated study of Chinese eschatology can be cited to clarify this vitally important complex of ideas; for an outline of the areas that might be covered *cf. Modern Asian Studies*, 17.2, 1983, 333–51.
[45] *Cf.* D.C. Twitchett, ed., *The Cambridge History of China*, vol. 3, Cambridge, 1979, 249, 270 for this man, and e.g. Wang Ming, *Tao-chia ho Tao-chiao ssu-hsiang yen-chiu*, Peking, 1984, 372–76, for some Taoist background to his name.
[46] *Cf.* the remarks in my paper "Exploratory Observations on Some Weeping Pilgrims", published in this volume, and also Hsüan-tsang's statement in T. 50, 261a.
[47] Again (see three notes above) not enough has been published even on this restricted aspect of Chinese eschatology, but see D.W. Chappell, "Early Forebodings of the Death of Buddhism", *Numen*, 27, 1980, 122–154.
[48] *Cf.* McRae, *op.cit.*, p. 299, n. 199, with p. 300, n. 200, where he perceptively notes that both the *mo-fa* doctrine and the notion of a succession originally applied to Kashmir or other regions outside China, but both were taken up by the Chinese as if addressed specifically to them. In the light of my own paper referred to above I would argue that these two ideas coincided with peculiarly Chinese concerns, and I would further argue that the two ideas are linked.
[49] Particularly insightful in this regard are the remarks of T'ang Yung-t'ung, *Sui-T'ang fo-chiao shih kao*, 217.

impulses go to waste the state, too, co-opted this paranoia, using the doctrine of decline as a pretext for intervening with a firm hand to maintain standards.[50]

Exactly what those standards were had evidently become a more bothersome matter as well for many, if not for imperial despots. The "confusion of right and wrong" is very much a current slogan in our early T'ang sources, though whether it is commitment to Buddhism as a whole which is to end this confusion (vis-à-vis Taoism, Confucianism, and so forth)[51] or the adoption of Hsüan-tsang's new translations (vis-à-vis the imperfections of earlier Buddhism)[52] depends on the writer's particular *parti pris*. But one fears that many were not persuaded by either of these two solutions; indeed, it is known that large numbers of Buddhist believers were inclined rather to cast themselves straightforwardly upon the mercy of Amitābha Buddha to save them in such evil times, or to turn to yet more salvationist heterodox cults.[53] Hsüan-tsang's heroic pilgrimage to the fountainhead of the faith represented the best that could be expected of mainstream, established Buddhism to rectify the situation. Yet so long after the glory of the Buddha's own preaching had departed from India all that he could do was bring back more books and they, however well translated, did not speak for themselves but remained subject to the vagaries of exegesis, the petty squabbling of scribes and scholars.

What was clearly needed in the Buddhism of late seventh-century China was the voice of authority, some Nāgārjuna redivivus to set the lamp of the Dharma ablaze once more and make the truth plain for all. Given that the mechanisms of rebirth in Buddhism afford ample opportunity for spiritual leaders one thought had disappeared to reappear again in unexpected places—the Dalai Lama is one well-known example of such a figure who just never seems to go away, and Chinese Taoists in recent centuries have assigned an analogous status to their own hierarchs[54]—it is perhaps surprising that no such personality arose to lighten the darkness of mediaeval China. Or maybe one did; in any case I hope to be able to treat this possibility on another occasion. For the time being it is worth pointing out that the sudden appearance of leaders claiming inherent religious authority was politically a tricky business: the state saw anything smacking of overt messianism as a potentially disruptive and insurrectionary threat, so (as in the case of Taoism) we find a tendency (albeit cautious) to co-opt where possible titles such as Maitreya for the sovereign's own use.[55]

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[50] See e.g. *CTW* 9, 9a–b; *cf.* also R.W.L. Guisso, *Wu Tse-t'ien and The Politics of Legitimation in T'ang China*, Bellingham, Washington, 1978, 67.
[51] T. 52, 97c, 378b.
[52] T. 52, 258b.
[53] Once again this aspect of Buddhism is under-represented in Western scholarship, though I hope J.H. Foard, ed., *The Pure Land Tradition: History and Development*, and R.E. Buswell, Jr., ed., *Buddhist Apocryphal Literature*, both to be published in Berkeley, will make these varieties of religion much better known.
[54] See J. Legge, *The Texts of Taoism*, vol. I, Oxford, 1891, 42.
[55] See Giusso, *op. cit.*, 35–45. This was only possible because the Empress Wu stood outside the line of Lao-tzu's descendants, who were exclusively committed to embodying Taoist sagehood.

The best alternative, then, was to assert boldly that the lamp of the dharma still blazed on, as it had in the uncomprehending dark even before Hsüan-tsang had felt moved to go to India. For it blazed on not among the exegetes who thronged the famous monasteries of the capital but far away in the mountainous retreats of a line of meditators, a hitherto neglected "string of pearls" who had already received this transmission of the lamp from India almost two centuries earlier, at a time which just predated its final extinction there—that is, at a time now so distant that any assertions concerning Bodhidharma, key link in the chain, were, of course, no longer subject to disproof. The exegetes, moreover, had been blind to this light because they had been looking in quite the wrong place—they had been looking, poor inky fools, in their books. No wonder Ching-chüeh's preface to the *Leng-chia shih-tzu chi* implicitly contrasts the Ch'an meditator not reliant on the written word but in touch with the living truth with those who even in the age of the "semblance of the true Dharma" (an intermediate stage between the age of truth and that of complete decline) can only cope with the truth as formalized for their benefit.[56]

To conclude, then, the patriarchal succession was a device drawn from the accumulated repertory of native and imported stratagems for dealing with the vanishing past that already existed in mediaeval China. But the force which threaded together the separate pearls and the continuous string, the two components of that succession, was the force of necessity. There were patriarchs because there had to be, otherwise all was for the dark. So we end, appropriately, with a paradox. Ch'an is best known in the West for its iconoclastic spirit, so apparently in tune with our own times. Why, it would even do away with its own patriarchs! But the patriarchs are there because they embodied spiritual authority, an authority which T'ang China desperately needed. Kill, says Rinzai. But that is not a suggestion. It is an order.

[56] Yanagida, *op. cit.*, 630, col. 6 and col. 12.

EXPLORATORY OBSERVATIONS ON SOME WEEPING PILGRIMS

T.H. Barrett

Despite the overtly secular complexion of Chinese thought which has impressed Western writers since the time of Origen, a glance at the works preserved in the Chinese Buddhist and Taoist canons is sufficient to establish that China also possessed men and women of a deeply religious cast of mind. Yet Chinese religious literature is disappointingly impersonal in tone: the late development of religious autobiography in China, the relative blandness of most religious poetry—even though poetry was the most personal and intimate medium used by the Chinese—means that we have no Chinese St. Augustine, no one who speaks to us across the centuries in his or her own voice.[1]

This is particularly disappointing in the case of the Chinese Buddhist pilgrims, men like Fa-hsien (died c. 422), Hsüan-tsang (600–664) and I-ching (635–713) whose heroism in making the arduous journey to the Indian heartland of Buddhism was justly remembered by later ages in China long after that heartland had itself ceased to exist. It is customary, and necessary, to caution against depicting their journeys as pilgrimages in the conventional sense: the principle motive which impelled these three to risk an early death in a foreign land was an ardent desire to bring back more of the Buddha's word to China, in order to alleviate spiritual darkness in their own home country. But although their immediate purposes were to become translators, so that their journeyings relate in some ways more to those of the colporteur rather than the pilgrim, the underlying problem which they were addressing rendered their geographical destination a place of far greater spiritual attraction than the average library.

For, flying in the face of a predominant Chinese cultural chauvinism, these men insisted on accepting Indian rather than Chinese claims to the title of 'Central Kingdom'. This was no easy transfer of allegiance: as one of Hsüan-tsang's

[1] For religious autobiography in China see Pei-yi Wu, "The Spiritual Autobiography of Te-ch'ing", in Wm. Theodore de Bary, ed., *The Unfolding of Neo-Confucianism*, Ithaca, NY, Columbia University Press, 1975, 67–91. For religious poetry, note the remarks of Burton Watson on page 11 of his Cold *Mountain*, Ithaca, NY, Columbia University Press, 1970, and that Han-shan, the subject of his translation, is only partially exempted from his strictures. *Cf.* also Stephen Owen, *The Great Age of Chinese Poetry: The High T'ang*, New Haven, Yale University Press, 1981, 282, on the lack of religious poetry among poet-monks. The sayings of the great Ch'an (Zen) masters certainly speak to us on occasion with an extraordinary directness, but here fragments of conversation, rather than literary compositions, are usually involved.

contemporaries makes clear in discussing the controversial question of the (to the true Buddhist) peripheral position of Chinese civilization, it entailed an acceptance of an implicit spiritual inferiority for all Chinese, since personal karmic forces were held to determine not only one's own station in life but also the whole environment in which one found oneself.[2] To have witnessed the Buddha's own preaching in India was a sure sign of past spiritual effort; to live in China a millennium later (to say nothing of London in A.D. 1988) was in itself an indictment for past failings.

Thus the journey from the borders of Buddhist civilization to the very sites which generations of pilgrims associated with the activities of the Buddha was one fraught with spiritual significance. No wonder, then, that the sustained impersonality of the narrative of their travels does briefly break down once at the climactic point of Fa-hsien's journey, and twice in the case of Hsüan-tsang: once where he reaches his first major Indian pilgrimage site, once where he visits the site of the Buddha's enlightenment. Three times in all we find our pilgrims unambiguously moved by what they see to the point of tears.[3] These records are not strictly speaking autobiography, since even Fa-hsien's recollections, though apparently relatively unadorned, did (as their final page shows) pass through the hands of an unknown literary man, while Hsüan-tsang's life was written up by a disciple. Yet here at last, one might think, we find a personal touch.

On the contrary, these rare glimpses of human emotion, far from increasing our sensation of familiarity with these men, only makes them appear more alien once we realise that these were not tears of joy and relief at having achieved a goal much sought for. East Asian Buddhists were surely not incapable of such feelings—we may in all likelihood find them in the tears of Ennin, the Japanese pilgrim, in A.D.

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[2] *Cf.* Tao-hsüan, *Shih-chia fang-chih* 1, 948c–950c (in Taishō Canon, vol. 51), which provides a seventh-century presentation of the Buddhist case, referring back (page 949a) to earler debate in Fa-hsien's time; on page 950b, col. 1, he uses the term *i-pao* to express the karmic determination of environment. A recent survey of the debate is Yoshikawa Tadao, "Chūdo, hendo no ronsō", *Shisō* 579 (September, 1972), 70–86; *cf.* also E. Zürcher, *The Buddhist Conquest of China*, Leiden, 1959, 266. Note that particularly numinous Buddhist localities in China were sometimes deemed to be fragments of India transported thither by magical means, and for an updated retelling of one such legend see Wang Hui-ming, *Folk Tales of the West Lake*, Peking, 1982, 27–32; *cf.* also E. Reischauer, *Ennin's Diary: The Record of a Pilgrimage to China in Search of the Law*, New York, 1955, 240.

[3] For Fa-hsien's journey I refer to James Legge, *A Record of Buddhistic Kingdoms*, New York, 1965 repr. Oxford, 1886, and for Hsüan-tsang's travels I use Hui-li's biography in the translation of Samuel Beal, *The Life of Hiuen-tsiang*, Westport, Conn., 1973, reprint of London, 1911, but have checked these against the editions in the Taishō. In the latter case, and in the case of the Hsi-yü chi, I have also made use of the annotated editions published in Peking in 1983 and 1985 respectively. Samuel Beal, Si-yu ki, *Buddhist Records of the Western World*, Delhi, 1981, reprint of London, 1884, translates the *Hsi-yü chi*, though this imperially-sponsored report by Hsüan-tsang on India and the way thither in no sense approaches autobiography. A fourth passage from Fa-hsien might in my opinion be added to the three discussed below: see Legge, *Buddhistic Kingdoms*, 57–8. Here, however, there is, to judge by the text, some possibility that the melancholy experienced by the pilgrim was influenced by his recollection of the companions who had died on the journey or turned back, so I leave it aside from now on.

840 on first catching sight of the Wu-t'ai mountains, a famous Chinese pilgrimage site which had cost him months of wrangling with bureaucrats before he could reach it.[4] But at any rate the biographers of Fa-hsien and Hsüan-tsang do not depict relief and joy; far from it. They do not even suggest that the pilgrims' sorrow could have been due to feelings of human inadequacy when confronted with a particularly numinous environment—at least no emotions after the fashion of Isaiah's "Woe is me! for I am undone."

Rather, the tone of their remarks suggests a surprising negativity and pessimism, so much so that one scholar has adduced Fa-hsien's experience to prove that as pilgrims the Chinese travellers found that they had wasted their time utterly.[5] There are, indeed, stronger echoes of *Ozymandias* than of the more triumphal pages of Pilgrim's Progress in the comments on sacred places attributed to Fa-hsien and Hsüan-tsang; I shall even argue that I-ching's remarks as well suggest that he was deliberately keeping a stiff upper lip. Why? If ordinary pilgrims in India or China (and there were clearly plenty) all found pilgrimage sites so distressing, surely the practice of pilgrimage would have died out. Then how could men who were outwardly virtuosi of the pilgrim world turn out to be inwardly such failures? The answer is not obvious.

What is obvious is that the more general experience of Chinese pilgrims must be examined carefully for unique features without trying necessarily to reconcile it with patterns of pilgrimage elsewhere. It has already been pointed out by Raoul Birnbaum that the categories established by Victor Turner for discussing pilgrimage as such do not work well in China, and in particular a distinction must be drawn for China between pilgrimages performed by groups and those undertaken by individuals.[6] Since our three travellers do not seem always to have kept company with a group of companions nor to have proceeded from station to station along some regular route between pilgrimage sites, but to have come and gone in a more random fashion, it may be presumed that they must be treated as individuals. Even leaving aside the matter of their bibliographic preoccupations, rather than call their tours of holy places pilgrimages at all the label of 'quest' may be more appropriate—such was the construction placed upon the exploits of Hsüan-tsang by later imaginative literature in China, in the view of some scholars.[7]

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[4] *Cf.* Reischauer, *Ennin's Diary*, 214.

[5] *Viz.* K.M. Schipper, on pages 338–39 of "Les pélerinages en Chine: montagnes et pistes", in Anne-Marie Esnoul, *et al.*, eds., Sources Orientales III, Les Pélerinages, Paris, 1960, 303–42. On page 191 of Claude Jacques, "Les pélerinages en Inde", *ibid.*, 157–97, will be found a statement of the positive benefits held by Indian Buddhists to accrue from pilgrimages to key sites connected with the Buddha's life.

[6] Raoul Birnbaum, on pages 10–11, and in notes 7 and 8, pages 22–3, of his "Thoughts on T'ang Buddhist Mountain Traditions and their Context", *T'ang Studies*, 2, Winter, 1984, 5–23. Birnbaum himself draws the distinction somewhat differently (at note 8), but in note 8 itself gives a Mexican analogy concerning distinct communal and individual pilgrimages and applies the latter to his Chinese investigations.

[7] *Cf.* James S. Fu, *Mythic and Comic Aspects of the Quest: Hsi-yu Chi as seen through Don Quixote and Huckleberry Finn*, Singapore, 1977. The novel *Hsi-yu chi* (*Monkey*, to readers of Arthur Waley) has also been compared with the *Odyssey*. Pilgrimages and quests do not sort themselves out neatly into separate categories—Birnbaum (see preceding note) uses both terms for the same thing—but it is possible to suggest criteria that may be relevant in distinguishing them. Thus the pilgrimage even of a single individual replicates other pilgrimages, past or future, by other individuals or groups, whilst the quest remains an event of unique significance, even if undertaken by several different people at different times. Pilgrimage tends to emphasize the process; the quest emphasizes the goal.

But Chinese attitudes towards holy places as they appear in literary sources are yet more significant than any peculiarities in their interpretation of the pilgrimage phenomenon taken as a whole. The words used in Chinese accounts of Indian pilgrimage sites vary: we read of *i-chi*, 'remaining *chi*'; *ku-chi*, 'ancient *chi*'; or *sheng-chi*, 'holy *chi*'. *Chi* was a key term in the thought of mediaeval China, and in its widest meaning it embraced all the phenomenal world.[8] But its basic meaning was more limited: it meant a footprint, especially animal tracks or spoor which revealed the existence somewhere of something alive and moving but not present and visible to the naked eye. With such an etymology it is no surprise that the Indian cult of the Buddha's footprints had no trouble in establishing itself in East Asia.[9]

From an early stage, however, the word became associated with written materials—one is reminded of Marc Bloch, in *The Historian's Craft*, writing "what do we really mean by *document*, if it is not a 'track', as it were—the mark, perceptible to the senses, which some phenomenon, in itself inaccessible, has left behind."[10]

The Chinese association was in fact originally quite literal: ancient sages were alleged both to have been inspired by the patterns formed by animal tracks to invent the mystic trigrams of the *Book of Changes* and to have devised the Chinese writing system itself after observing the footprints of birds: 'bird-*chi*' became in mediaeval times an elegant synonym for 'writing'.[11] As a result some of the terms used in the pilgrim accounts are actually ambiguous: 'remaining *chi*' can be used of literary remains as well as more substantial antiquities.[12] What the pilgrims saw, then, might be termed an 'archaeological record', except that such a translation would have none of the heavily emotive overtones of the original Chinese.

For the word *chi*, an effaceable and perhaps fragmentary 'trace', closely associated with the written word, denoted a key element in the process of

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[8] *Cf.* Yoshikawa Tadao, on pages 138–39 of his "Rikuchō shidaifu no seishin seikatsu", in *Iwanami kōza sekai rekishi*, 5, Tokyo, 1970, 123–55, and Zürcher, *Buddhist Conquest*, 91,133, 266.
[9] *Cf.* Sakazumi Shūichi, "Bussokuseki reihai yōtai kō", *Risshō Daigaku Daigakuin kiyō* 1, 1985, 57–69, and the earlier research cited therein.
[10] P. Putnam, tr., M. Bloch, *The Historian's Craft*, Manchester, 1955, 55. Bloch states that he is borrowing this metaphor from François Simiand.
[11] *Cf.* Vincent Yu-chung Shih, *The Literary Mind and the Carving of Dragons*, Hong Kong, Chinese University Press, 16–17, 336–7.
[12] See e.g. K'ung Ying-ta, in *Ch'üan T'ang Wen*, 146, Palace edition, 1814, 4a.

remembrance, the axis around which the whole cosmos of the Chinese high cultural tradition revolved. To try to describe the crucial importance of recalling the past for all Chinese educated in that tradition cannot easily be done in a few sentences. But fortunately a short and very brilliant book entitled *Remembrances* has recently been published by Stephen Owen which explains with admirable lucidity the Chinese experience of the past as part of mankind's wider experience. Here the book's opening paragraphs will have to stand for the whole:

> "Classical Chinese literature made a promise, early in its history, that it would be a means to perpetuate the self of the good writer. Such promises of literary immortality are, of course, not unfamiliar in the Western tradition; but through its long history the Chinese tradition increasingly stressed a grand and quixotic qualification of that promise: it would transmit not simply the name but the very 'content' of the self, so that the later-born might truly know the person by reading the work. It was a promise fraught with anxieties and difficulties in proportion to the powerful hopes it raised.
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> One consequence of this potent lure was that classical Chinese literature internalized its hopes, made them one of its central topics, and everywhere concerned itself with intense experience of the past. The fundamental rule was the reaffirmation of a contract made with the past and future: "As I remember, so may I hope to be remembered". In this way classical literature constantly doubled back on itself, inscribing the form of its hopes on its own internal actions and seeking in the past the repetition of those doublings in the actions and writings of predecessors. Yet every strong hope is mated to a corresponding fear. Thus the fear of loss and of some illegible fading away was always present to darken the hope of some permanent 'writing the self'.
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> In the tradition of Western discourse on literature there continually recurs, as the emblem of literature, the figure of Truth wearing a veil. The text is a vestment, opaque or transparent, outlining for the imagination, yet at the same time concealing, the sweet body within. There is always a gap, a space between the text and its meaning, between surface appearance and truth. The master figure for this mode of knowing is metaphor, the word that conceals and reveals, the word that tells truth and tells lies.
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> This mode of knowing does occur commonly in Chinese classical literature, but it is secondary to another mode of knowing. Here also we find a gap, but of a different sort, a gap of time, effacement, and memory. The master figure here is synecdoche, the part that leads to the whole, some enduring fragment from which we try to reconstruct the lost totality. It has a ritual counterpart in the necessity of having some article of clothing of the dead person when performing the ceremony of summoning the soul. In this tradition the experience of the past roughly corresponds to and

carries the same force as the attention to meaning or truth in the Western tradition."[13]

Owen is, of course, not the first to have noticed the importance of the past in Chinese literature, but he is the first to give a general account of it not tied to specific genres overtly dealing with the past, such as the *huai-ku shih* or 'poem recalling antiquity', which has prompted the following remarks:

> "This kind of poetry is of course by no means unique; one comes across similar examples in Western poetry. But where a Western poet might moralize about the frailty of human achievements in contrast to the eternal power of God, a Chinese poet is usually content to lament the former and leave it at that. Some agnostic European poets, however, come very close to the Chinese attitude. Shelley's *Ozymandias*, for instance, would pass admirably for a 'poem recalling antiquity'…"[14]

The immediate precursor of Owen's book is, however, an essay by his teacher, Hans Frankel, entitled "The Contemplation of the Past in T'ang Poetry", which was published in 1973. This moves beyond poems clearly labelled as dealing with the past in their titles to other examples marked more by associated topoi such as ascending to a high place than by overt statements of purpose. Summarizing his findings, he writes:

> "Mountains, besides being symbols of durability, are also the sites where history is recorded and remembered, and climbing a mountain is one of the topoi conventionally associated with our category… The physical scene often contains visible reminders of the past, such as ruins, tombs, or inscriptions… The descriptive passages tend to operate with the contrast between what is visible and what for various reasons remains invisible, and this contrast becomes another reason for lamenting the general law of decay: the remaining vestiges of the past are characterized as 'few', 'empty', and 'vain'."[15]

His full list of topoi has been expressed even more succinctly:

> "(1) ascent to a high place; (2) looking into the distance in conjunction with viewing the past; (3) the durability of rivers and mountains as a contrast to human transience; (4) reference to historical personalities and

[13] Stephen Owen, *Remembrances: The Experience of the Past in Classical Chinese Literature*, Cambridge, Mass., Harvard University Press, 1986, 1–2.
[14] James J.Y. Liu, *The Art of Chinese Poetry*, Chicago, The University of Chicago Press, 1962, 53.
[15] Hans Frankel, on pages 364–5 of his "The Contemplation of the Past in T'ang Poetry", in Arthur F. Wright and Denis Twitchett, eds., *Perspectives on the T'ang*, New Haven, Yale University Press, 1973, 345–65.

extant relics of the past; (5) description of a landscape devoid of historical association; and (6) tears."[16]

Am I suggesting in the light of this type of poetry that the traces of the past found by Chinese pilgrims at Indian pilgrimage sites were considered by their biographers under item (4) and hence produced item (6)? That the descriptions of their experiences simply lapsed at these key points into literary cliché, and that they do not necessarily record personal emotion at all? No, the matter is not quite so simple. But it is now necessary to turn to the documents themselves to elucidate fully the various factors involved. Earliest is Fa-hsien's visit to the hill known as Vulture Peak, so called because

> "…Ānanda was sitting in meditation when the deva Māra Piśuna, having assumed the form of a large vulture, took his place in the front of the cavern where he was, and frightened the disciple. Then the Buddha, by his mysterious, supernatural power, made a cleft in the rock, introduced his hand, and stroked Ānanda's shoulder, so that his fear immediately passed away. The footprints of the bird and the cleft for the Buddha's hand are still there, and hence comes the name."

After toiling up to this place, Fa-hsien found little else besides these marks:

> "The hall where the Buddha preached his dharma has been destroyed, and only the foundations of the brick walls remain. On this hill the peak is beautifully green, and rises grandly up; it is the highest of all the five hills… He felt melancholy, but restrained his tears and said "Here the Buddha delivered the *Śūraṃgama-sūtra*. I, Fa-hsien, was born when I could not meet the Buddha; and now I only see the footprints which he has left, and the place where he lived, and nothing more."[17]

Some of the themes touched upon here have already been clarified; others are less apparent. "I was born when I could not meet the Buddha" looks like a statement of the obvious, but is actually an item on the list of 'eight sad conditions' blocking apprehension of the Buddha's message,[18] along with items

[16] Elling O. Eide, on page 387 of his "On Li Po", in Wright and Twitchett, *Perspectives on the T'ang*, 367–03.

[17] *Cf.* Legge, *Record of Buddhistic Kingdoms*, 83. The standard hagiographic account by Hui-chiao in his *Kao-seng chuan* emphasizes different elements in describing Fa-hsien's excursion up the mountain, such as his calm reaction to the appearance of ferocious lions: *cf.* Robert Shih, *Biographies des moines éminents (Kao Seng Tchouan) de Houei-kiao*, Louvain, 1968, 110–11. The mountain as a source of occult knowledge surrounded by fearsome hazards is a theme well established prior to Fa-hsien: see e.g. James Ware, *Alchemy, Medicine and Religion in the China of A.D. 320*, Cambridge, Massachusetts Institute of Technology Press, 1966, 279–300.

[18] This list is a commonplace of Chinese Buddhist texts, and is mentioned in passing in such well-known works as the *Vimalakīrti-nirdeśa*, the *Kuan P'u-hsien p'u-sa hsing fa ching* etc. See e.g. Charles Luk, *The Vimalakirti Nirdesa Sutra*, Berkeley and London, 1972, 11.

such as living in a peripheral land. Unease about the amount of time that had passed since the death of the Buddha increased rapidly during the period separating Fa-hsien's visit from those of Hsüan-tsang and I-ching, overshadowing by far sensitivity about China's peripheral position. In the sixth century these fears were given new shape by the translation of texts outlining the stages whereby the influence of the Buddha's teaching were destined to decline.[19]

The scheme most commonly adopted by the Chinese was threefold. It asserted that for five hundred years true Buddhist doctrine would survive; for a further one thousand years only a semblance of that doctrine would remain; for ten thousand years after that the merest residue would persist; and thereafter nothing more would be heard of Buddhism until the advent of the next Buddha, Maitreya, after a total interval of 5,600,000,000 years had elapsed.[20] What was worse, earlier efforts by Chinese Buddhists aimed at placing the date of the Buddha's life at an impossibly distant point in time so as to confer upon him even greater antiquity than Confucius meant that by their reckoning the third period was already upon them.[21]

The pervasive influence of this disturbing notion during the seventh century of our era may be detected in Hsüan-tsang's account of his visit to present-day Hadda in Afghanistan, then part of the kingdom of Nagarahāra. The area was well endowed with relics, including footprints of the Buddha.[22] But most famous of all was a "Cave of the Buddha's Shadow", which had been celebrated in China even before (the completion of) Fa-hsien's travels,[23] and which had been visited both by him and by later Chinese pilgrims.[24] According to local legend the Buddha had left his shadow upon the cave wall in response to a request from a dragon-king, who felt utterly dependent upon the beneficial presence of the Buddha to restrain his more violent impulses and worried about what might happen after the Buddha's departure from this world. The shadow apparently constituted an effective substitute, and could even preach. In Fa-hsien's day it does not seem that any difficulty was encountered in discerning it, but a text rendered into Chinese at this time does speak specifically of the phenomenon enduring for one thousand five hundred years.[25] In the light of the subsequent calculations mentioned above this

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[19] David W. Chappell, "Early Forebodings of the Death of Buddhism", *Numen*, 27, 1980, 122–54.

[20] The most famous Chinese statement of this doctrine may be found in the "Vow of Hui-ssu", a work produced in the sixth century: *cf.* the translation in Paul Magnin, *La vie et l'oeuvre de Huisi*, Paris, 1979, 206–7.

[21] *Cf.* Zürcher, *Buddhist Conquest of China*, 273, for a date commonly accepted from the sixth century onwards, and the reasoning for it.

[22] *Cf.* W.J.F. Jenner, *Memories of Loyang*, Oxford, OUP, 1983, 270, for a translation of one description of the area by a Chinese visitor. French and Japanese archaeological surveys of the surviving antiquities have also been published.

[23] See Zürcher, *Buddhist Conquest of China*, 224, 400.

[24] Fa-hsien's account is in Legge, *Record of Buddhistic Kingdoms*, 39; see the two preceding notes for some references to other visits.

[25] *Cf.* Buddhabhadra, trans., *Kuan-fo san-mei hai ching*, 7, 681a, in the edition of the Taishō Canon, vo1.15.

figure began to look distinctly sinister. Hsüan-tsang's biography suggests that seeing the shadow was no longer regarded by him at any rate as a mere matter of course. After risking his life at the hands of brigands, he had to prostrate himself well over four hundred times, reciting scriptures and psalms and tearfully reproaching himself for his past misdeeds the while,[26] before he was vouchsafed a vision of the holy trace.[27] Only in his official report on the site does he record the confident prophecy of the Buddha that "When the true dharma disappears, the shadow will suffer no change".[28]

His official report on Gayā, where he saw not only the tree under which the Buddha achieved his enlightenment but also a depiction of the scene miraculously provided for the edification of later ages by Maitreya, the Buddha to be, gives by contrast a palpable hint of his own experience there: "Those who see these sights feel a spontaneous surge of sorrowful emotions".[29] This is, however, a relatively bland summary of what seems to have been for him a protracted bout of profound emotional turmoil. According to his best-known biography, after throwing himself to the ground and grieving most sorrowfully, he sighed in his distress:

> "When the Buddha achieved his enlightenment, in what realm of existence was I swirling, drowning? Now I have reached this place at last when only a semblance of his teaching survives, I think on how heavy my past burden of bad *karma* must be, and my eyes fill with tears of sorrow."[30]

Even this is restrained by comparison with his biography in a contemporary *Who's Who* of eminent clerics, which has him swooning right away, regaining consciousness long enough only to reproach himself for having been born in a degenerate age and having lived his earlier life in outer darkness before collapsing again. Yet more poignantly, he recovers eventually only to regret that for all the earnestness of his approach to these relics, he was rewarded with no miracle.[31] All this insecurity and self-doubt, all this seeking for a sign, seems qualitatively far removed from the decorous melancholy of the poetry studied by Frankel, Owen and others concerned with secular literature.

The key difference here, as only Owen appears to have realised, is that any gesture towards the past in Chinese literature is simultaneously a gesture towards the future. One does find in poetry of this type expressions of despair over the

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[26] Beal's "shortcomings" (see next note) translates a phrase referring to the burden of karma: *cf.* the translation in The Chinese Buddhist Association, *The Life of Hsuan-tsang*, Peking, 1959, 61.
[27] Beal, *Life of Hiuen-Tsiang*, 61–2.
[28] Beal, *Si-yu ki*, 94.
[29] Beal, *Si-yu ki*, 122, under-translates as 'religious emotions'.
[30] Beal, *Life of Hiuen-Tsiang*, 105, and Arthur Waley, *The Real Tripitaka*, London, 1962, 44.
[31] Tao-hsüan, ed., *Hsü Kao-seng chuan*, 4, 451a, in the edition of the Taishō Canon, vol. 50.

futility of human existence which are dramatic, even violent: "I slash the river with my sword: the river flows right on".[32]

But such apparent cries *de profundis* are not in secular poetry addressed to any unseen observer of all our actions such as stands in the background of European literature[33] rather, it is part of the creation of an image of the self which may find a response among readers of a later age.[34] To Chinese Buddhist monks brought up in this literary culture, Indian pilgrimage sites both aroused and denied any such expectations. In the case of the Buddha's shadow there was even a fortuitous overtone to the conflict, since in one of the most famous philosophical poems of Fa-hsien's era 'shadow' stands for posthumous reputation.[35] Yet, as Owen observes, the Buddhist religion, in rejecting the existence of the self, ruled out a personal response to the past predicated upon future reactions to one's personality.[36] Even if it had not, their pessimistic outlook on the future of the faith left Buddhists with little hope of vindication by others as yet unborn by comparison with the secular writer, for whom an equally strong sense of decline since a Golden Age of antiquity was mitigated by the belief that the processes of cyclical change such as those described in the *Book of Changes* might soon (and not after aeons of time) restore the *status quo ante*.

But perhaps the most striking difference between these pilgrims and their lay contemporaries in China is the way the doctrine of karma forces them to turn upon themselves when faced with the gap between past and present. Many educated Chinese from Confucius onward felt themselves to have been born in evil times, but in their case it was the times (or maybe a vague providence, 'Heaven') which deserved the blame, not themselves; indeed their failure to accord with the age simply confirmed for them their own spiritual nobility.[37] A visit to an ancient site could (and did, provide an excellent opportunity to declare such feelings, perhaps even in an inscription for future visitors to read.[38]

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[32] The full text of this famous poem does not entirely adhere to the conventions discussed by Frankel, since the poet ascends not a mountain but a tower associated with a fellow-poet of earlier times; the sentiments of the poem nonetheless conform loosely to the pattern already described. Cf. François Cheng (tr. Donald A. Riggs and Jerome P. Seaton), *Chinese Poetic Writing*, Indiana University Press, 1982, 178.

[33] I have in mind a study by A.D. Nuttall, *Overheard by God*, London, 1980.

[34] Owen, *The Great Age of Chinese Poetry*, 137–8.

[35] See pages 178–9 of R. Mather, "The Controversy over Conformity and Naturalness during the Six Dynasties", *History of Religions*, 9.2–3 Nov., Feb., 1969–1970, 160–80.

[36] Owen, *Remembrances*, 15.

[37] This is also a familiar literary theme, for which see e.g. Hellmut Wilhelm, "The Scholar's Frustration: Notes on a Type of Fu", in J.K. Fairbank, ed., *Chinese Thought and Institutions*, Chicago, University of Chicago Press, 1957, 310–19. *Cf.* also Owen's discussion following pages 56–57 in *Remembrances*.

[38] I have in mind in particular a piece by the eighth/ninth-century thinker Li Ao, on whom I intend to publish a monograph shortly, to be found in his "Collected Works", *Li Wen-kung chi*, 5.31b (*Ssu-pu ts'ung-k'an* edition): the final chapter of the monograph will explicate the significance of this.

For the Buddhist there was only one legitimate hope, and that we find articulated with exemplary persistence by I-ching. I-ching was certainly well aware of the way in which secular Chinese culture viewed traces of the ancient past. On the occasion of an excursion with a fellow-Chinese to Vulture Peak he even composed a lengthy poem of formidable erudition which initially conforms precisely to the norms established for the recall of times past. The opening lines of his composition even prompt his translator, Chavannes, to anticipate Frankel's type of analysis: "L'intention de ce premier paragraphe me paraît être d'opposer le déclin de la religion bouddhique et le délabrement de ses lieux saints à la nature toujours jeune et immortelle".[39] Following this passage I-ching permits himself to regret his having been born too late to meet the Buddha. But he then turns to a lengthy encomium on the Buddha's virtues before coming back to his own mission, for which he disclaims any motive other than a pure desire to spread the Buddha's word: he seeks no present advantage, no fame in the eyes of posterity. After a final poetic survey of the landscape he concludes with a statement of his ultimate goal: to attend the great assembly under the Dragon-flower Tree when Maitreya will bring the truth of Buddhism back to this world of ours, millions of years hence.[40]

This earnest wish not only concludes his poem, but also reappears at the close of the collection of pilgrim biographies in which it occurs,[41] at the end of his account therein of his own visit to Gayā,[42] at the conclusion of his biography of the only other pilgrim to whom emotions of sorrow on seeing the relics of Gayā are attributed[43] and in the final lines of an emotional eulogy on his own teachers which is found in another work of his.[44] 5,599,998,500 years was in Chinese eyes rather a long time to have to wait, but though it is quite possible to find examples of monks who succumbed to the secular pattern of thought, to the rigidly orthodox believer there was simply no alternative but to set one's sight on that distant horizon.[45]

This deliberate adherence to a stern orthodoxy, however, was not necessary for ordinary pilgrims, even Chinese pilgrims who had no contact with the values of Chinese high culture: the problem lay precisely with the virtuosi of the Chinese pilgrim world, those educated enough in the classical tradition to produce fluent translations in a passable literary style. For these exceptionally well-educated and culturally aware visitors a simple faith in the beneficial effects of pilgrimage had

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[39] E. Chavannes, trans., *Mémoire composé a l'époque de la grande dynastie T'ang sur les Religieux Eminents qui allèrent chercher la loi dans les pays d'Occident*, Paris, 1894, 149, n. 1.
[40] *Ibid.*, 156.
[41] *Ibid.*, 191.
[42] *Ibid.*, 124–5.
[43] *Ibid.*, 15–16, 25.
[44] J. Takakusu, trans., *A Record of the Buddhist Religion as Practised in India and the Malay Archipelago, London*, 1896, 213.
[45] *Cf.* the close of the preface by Huai-hsin (c. 843) to his *Shih-men tzu-ching lu*, 802c in the edition of the Taishō, vol. 51, for one good example of the secular pattern of thought asserting itself in a Buddhist context.

during their upbringing been irreversibly replaced by a much more questioning, or even 'historically-minded' attitude—not towards the authenticity of these sites but towards the possibility of preserving something of value against the ravages of time. The Chinese high tradition which raised their questions had also worked out some form of resolution to the problem for them, but it was a resolution that ran plain counter to their most central beliefs. All they had to fall back on was a particular tenet concerning the future appearance of Maitreya which was (to adopt a crudely mechanistic metaphor) never designed to bear the weight of so much anxiety.

I should perhaps apologise for having brought the reader so far, only to revert in the end to the most well-worn cliché of Sino-Indian comparisons: the historically-minded Chinese baffled by the timelessness of Indian thought. Perhaps all that has gone before is simply a comment on the consequences of this cultural clash. But to Arthur Waley the contrast seemed at times almost comic, as in his account of an incident earlier in Hsüan-tsang's stay in Nagarahāra:

> "It was here that hundreds of thousands of years ago Śākyamuni Buddha, in a former existence, met Dīpaṅkara the former Buddha and, in a manner recalling the story of Sir Walter Raleigh and Queen Elizabeth, spread his deer-skin mantle on the muddy ground, that his great successor might not dirty his feet. He then, going one better than Sir Walter Raleigh, knelt down and let his long hair fall across the mantle, so as to make a softer carpet. Tripiṭaka was the sort of sightseer who is a trial to vergers. When the old monk in charge of the sacred site told him this story, Tripiṭaka at once asked how the place where this event happened could still be in existence. Several cosmic cycles had passed since then, and it is well known that at the end of every cycle the universe is destroyed by fire. Even Mount Sumeru is completely burned out. The verger was equal to the occasion. 'No doubt', he said, 'when the Universe was destroyed this holy site was also destroyed. But when the Universe came into being again, the site reappeared in its old place. We all know that Mount Sumeru is still there; so why should this holy site not also be in its own place? Bear that in mind, and you won't be bothered with any further doubts."[46]

I would only observe that at other times the consequences for these pilgrims, caught in a vice-like grip between their culture and their religion, came far closer to tragedy. I can believe that they shed tears.

[46] Waley, *The Real Tripiṭaka*, 26.

IMAGES AND PERMUTATIONS OF VAJRASATTVA IN THE VAJRADHĀTU-MAṆḌALA

I. Astley-Kristensen

Preamble

In the Buddhist Tantric tradition transmitted to China and Japan, the Vajradhātu-maṇḍala forms one half of the so-called "Double Aspect Maṇḍala" (*ryōbu-mandara*) of the Mi-tsung (Chinese) or Mikkyō (Japanese) teachings. It is explained in the *Sarvatathāgatatattva-saṃgraha*, in contrast to its counterpart, the Garbhakośa-maṇḍala, which is explained in the **Mahāvairocana-sūtra*, which is extant only in Tibetan and Chinese. This paper deals with some special teachings about Vajrasattva (Kongōsatta, rDo rje sems pa), found in one of the sub-*maṇḍalas* of the Vajradhātu-maṇḍala. This sub-*maṇḍala*, called the *Naya Assembly*, is the seventh in the Vajradhātu series, counting out from the central assembly, and stands alone in the ninefold series as the only one to be presided over by Vajrasattva, and not Mahāvairocana.[1] This peculiarity has been noticed by Snellgrove,[2] but has not yet been resolved. Although the *Naya Assembly* deities are arranged in the manner of the general pattern of the Vajradhātu-maṇḍala, and are traditionally affiliated to Buddhas and Bodhisattvas occupying the same relative positions elsewhere in that *maṇḍala*, they are in fact unique to the *Naya Assembly*. It will be convenient here to give the structure of this assembly; primary figures are in bold face:

Figure I

11. Vajramālā		16. Vajrasphoṭa		12. Vajragītā
	7. Kelikila-vī[3]	**4. Rāgāvajra**	**8. Rāgavajriṇī**	
15. Vajrapāśa	**3. Kelikila-v**	**1. VAJRASATTVA**	**5. Mānavajra**	17. Vajrāveśa
	6. Manoja-vī	**2. Iṣṭavajra**	**9. Mānavajriṇī**	
10. Vajralāsī		14. Vajrāśkuśa		13. Vajranṛtyā

The first question to arise in connection with phenomena such as this relates to the scriptural source: where can we find directions and explanations to account for this configuration? The immediate answer is the *sūtra* whose popular title bears the same name as this Assembly, the *Prajñāpāramitānaya-sūtra*, Japanese *Rishu-*

[1] Or a symbolic representation of Mahāvairocana. The individual deities in this maṇḍala are to be found depicted very clearly in Lokesh Chandra's *The Iconography of Japanese Maṇḍalas*, New Delhi, 1971, 285–91, nos. 701–17.
[2] In his Introduction to his and Lokesh Chandra's facsimile reproduction of the *Sarvatathāgatatattva-saṃgraha*, Śatapiṭaka Series no. 269, New Delhi: Sharada Rani, 1981, p. 13, n. 4.
[3] V stands for *vajra* and vī for *vajriṇī*.

kyō (Chinese *Li-chü ching*). This is the *Prajñāpāramitā* in 150 *ślokas*, a text which straddles the division between the literature of the *Prajñāpāramitā* and that of the *Tantras*.[4] Our concern here, however, will not be to examine the interesting questions which this fact raises, but to look at one particular formulation of the teaching relating to Vajrasattva.

First, however, we must take a brief look at the relevant sections of the *Rishukyō*, the first and the final chapters of the body of the text.[5] The first chapter of the text proper deals with the so-called 'Epithets of Purity' (*Shōjō-ku*) where the pure aspect of a variety of *dharmas* from the individual's make up and the phenomenal world in which one lives is described as being the state of a Bodhisattva. The pattern in the Sanskrit is: *viśuddhi-padam etad yad uta bodhisattvapadam*. In the version translated by Amoghavajra we have in Japanese reading: *shōjō-ku*, *kore bosatsu-i (nari)*.

The ritual structure of Amoghavajra's version fits in with the seventeen-deity pattern we have already noticed[6] and the epithets which comprise his text at this point—along with the serial numbers given in Figure 1 above—are:

[4] More correctly the *Adhyardhaśatikā-prajñāpāramitā-sūtra*. There are in all ten versions of this text, one Sanskrit-Khotanese fragment, three Tibetan texts and six Chinese. Two of the Tibetan and one of the Chinese texts are so-called Extended Versions (Ch./Jap. *kōkyō*), much longer and replete with ritual cycles. The Khotanese version and the short Tibetan text (in 150 *ślokas*, Peking edition of the Kanjur No. 121) have been edited by Toganoo Shōun and published in an Appendix to his *Rishukyō no Kenkyū*, Collected Works of Toganoo Shōun, vol. 5, Kōyasan: Kōyasan Daigaku Shuppanbu/Mikkyō Bunka Kenkyūsho, 1959, 1972 (orig. publ. 1930). They have also been reprinted in: Hatta Yukio: *Bon/zō/kan-taishō Rishukyō Sakuin*, Kyoto: Heirakuji Shoten, 1971 (English title also given: *Index to the Arya-prajñā-pāramitā-naya-śatapañca-śatikā*). The two Extended Versions in Tibetan are in the Peking edition, nos. 119, 123. The six Chinese versions with authors and approximate dates of translation are: Taishō .VII/220(10) [Hsüan-tsang, 660–63], T.VIII/240 [Bodhiruci, 693], T/241 [Vajrabodhi, 741], T/242 [Dānapāla, 1012–15], T/243 [Amoghavajra, the standard text in the Shingon tradition, 771–4], T/244 [Fa-hsien, the Extended Version, ca. 999]. See my doctoral thesis, *The Rishukyō: A Translation and Commentary in the Light of Modern Japanese (post-meiji) Scholarship*, University of Leeds, 1988, Introduction, pages 4–24, for basic information on these ten recensions. The most important version is T/243, by Amoghavajra (Pu-kung, Fukū), full title *Dairaku-kongō-fukū-shinjitsu-sanmaya-kyō* (**Mahāsukha-vajrāmogha-tattva-samaya-sūtra*). This is clearly composed with a ritual purpose and is used in this manner in the modern Japanese Shingon sect in a wide variety of daily and special rituals. Conze made an English translation of this over two decades ago, most readily accessible in his *Short Prajñāpāramitā Texts*, London, 1973, 184–95. This is based, however, on the Sanskrit and Tibetan texts in 150 *ślokas*, which, although they relate to an earlier tradition, are not ritually coherent, as Amoghavajra's text is.

[5] T/243: 784b1–24 (opening cycle) and 786a5–786b4 (concluding cycle). Amoghavajra wrote his own commentaries to this Sūtra, T.XIX/1003 & 1004. On the first passage, see T/1003: 608b18–610b2 and T/1004, passim; on the latter, see T/1003: 616c12–617a28.

[6] He has, for example, seventeen epithets, neatly corresponding to the seventeen deities, in contrast to all the other versions of the *Sūtra*, which have random numbers. It must, however, be said that there are thematic similarities, though Amoghavajra's text is the only one which draws ritual consequences from the material.

Figure II

I	1. exquisite bliss
	============[7]
	2. the arrow of desire
II/A	3. touching
	4. the bond of love
	5. natural sovereignty
	============
	6. seeing
II/B	7. rapture
	8. love
	9. pride
	============
	10. adornment
III	11. mental abundance
	12. purity of light
	13. bodily bliss
	============
	14. form
IV	15. sound
	16. smell
	17. taste

Figure III

I. *Basic Truth*: described variously as ultimate bliss.

II. *Expression of this Truth*: seen from the point of view of the ascent towards Buddhahood, this becomes a description of progress towards it, or of the practices to that end. From the point of view of an enlightened one, it is an expression of the integration of all aspects of the psycho-physical complex. This has the following sub divisions, which form the nucleus of the Five Mysteries:
   i. Seeing
   ii. Rapture/Bliss
   iii. (Bond of) Desire/Love
   iv. Storing/Presiding Over/Sovereignty

III. *Benefits of this Truth* (concrete attainment)
   This also has four sub-divisions:
   i. Adornment
   ii. Mental Abundance/Fecundity
   iii. Light

[7] The lines indicate the divisions between the different enclosures of the *maṇḍala*.

iv. (Bliss of) Body (Speech and Mind)

IV. Basic Structure of the Personality
Touch and mind are excluded from the series in T/243, but are present in the earliest Chinese version of the *Sūtra*, that by Hsüan-tsang.[8] This would indicate that the version transmitted by Amoghavajra was altered at some point, with the conscious intention of making the text conform to a Vajradhātu-maṇḍala pattern.

It should be noted that II is repeated in the correspondences given in Amoghavajra's commentaries and that this repetition is interpreted as indicating male and female aspects.[9] It is the core of the thinking behind this formulation of the *tantric* Buddhist teachings and forms the basis of the teaching of the Five Mysteries of Vajrasattva.

Before we proceed to the idea of the Five Mysteries, we shall set out a further instance of the ritual interpretation of these Epithets of Purity, given by the Japanese priest and founder of the Shingon Sect, Kūkai (posth. Kōbō Daishi, 774–835).[10] In his *Shinjitsukyō-monku*,[11] he gives the following positions for the members of this maṇḍala:

Figure IV

11. Kō - perfume		16. Sa - chain		12. Ka - song
	7. Tekietsu	4. Ai	8. Ton	
15. Saku - rope	3. Soku	**1. VAJRASATTVA**	5. Gō	17. Rei - bell
	6. Ishō	2. Yoku	9. Man	
10. Ka - flower		14. Hook		13. Zu - unguent

The other end of the ritual sandwich which the *Rishukyō* comprises is called The Dharma Gate of the Profound Mystery (*Shinpi no Hōmon*)[12] and is one of the prime sources for the Five Mysteries. Here, we have a simple, five-figure *maṇḍala* with Vajrasattva in the centre, surrounded by the female forms of the first four Bodhisattvas in the *maṇḍala* pertaining to the first stage of the ritual cycle,[13] namely Desire, Touching, Love and Pride.[14] The *Mikkyō Jiten*[15] in fact defines the Five Mysteries quite simply:

> "(The Five Mysteries are) Vajrasattva—who has the pure mind of enlightenment as his essence—and his immediate entourage, the four Bodhisattvas (Adamantine Desire, Adamantine Touching, Admantine Love and Adamantine Pride) representing the four passions, and express in a thoroughly

[8] T.VII/220 (10): 986a–991b, *Hannya-rishu-bun*. Hsüan-tsang's version has 69 Epithets of Purity and they encompass the whole gamut of the Buddhist teachings.
[9] *Cf.* T.XIX/1004, *passim*.
[10] For a biography, see Y.S. Hakeda, *Kūkai: Major Works. Translated, with an Account of his Life and a Study of his Thought*, New York, Columbia University Press, 1972, 13–60. Less apologetic is: Alicia and Daigan Matsunaga, *Foundation of Japanese Buddhism*. vol. 1: *The Aristocratic Age*, Los Angeles and Tokyo, Buddhist Books International, 1974, 171–7.
[11] T.LXI/2237: 612c–615c. The following table is taken from pages 613a29ff.
[12] i.e. T/243: 786a5–786b4.
[13] i.e. T/243: 784b1–24.
[14] Iṣṭa-vajriṇī (Yoku-kongōnyo), Kelikila-vajriṇī (Soku), Rāga-vajriṇī (Ai) and Māna-vajriṇī (Man).
[15] Sawa Ryūken *et al.*, *Mikkyō Jiten*, Kyoto, Hōzōkan, 1975, hereafter MJT.

esoteric fashion the profound mystery of the passions themselves being enlightenment.[16] The four Adamantine Bodhisattvas correspond to sentient beings and are the various taints of the passions, and the [Five Mysteries] indicate directly the fact that essentially they are originally endowed with the mind of enlightenment."[17]

The scriptural sources for the Five Mysteries of Vajrasattva encompass, however, more than the one passage in the *Rishukyō*. There is also an interesting group of six ritual texts—known collectively as the Six Kinds of Vajrasattva Ritual[18]—which furnish us with a good deal of interesting and useful information on this particular strand of thought. We might set out all these source materials as follows:

1. The texts described by MDJT as the Six Vajrasattva Rituals: T.XX/1119, 1120A+B, 1122, 1123, 1124, 1125

2. T.XX/1121 (translator unknown).[19]

3. In addition the following portions of the Rishukyō literature are particularly relevant: T.VIII/243, first and last sections of the main text; T.VIII/244, §I (787a20-b22), §XIV (799b-3c17), § XXI (812a20-b4).

4. Amoghavajra's commentary on his own translation of the *Rishukyō* (T.XIX/1003) is also of some value in furnishing us with clues to the *Sūtra*'s historical and theoretical background.

There are two main types of ritual in these Five Mysteries cycles: (1) a preliminary rite which shows the traditional and spiritual background of the main

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[16] *Bonnō-soku-bodai*, 'the passions themselves are enlightenment'. This principle is of paramount importance in tantric Buddhism, namely, the conscious transformation of one's basic, passionate nature into the stuff of enlightenment. *Tantric* apologists have long felt it necessary to emphasize this aspect of *tantric* thought and practice as a unique and radical development in the Buddhist tradition, but it is in fact largely a mere reformulation of basic Buddhist concepts and more radical in its overt expression than in its handling of the tradition. See my article on *mahāsukha*—a key Tantric concept, that of 'Great Bliss'—in the forthcoming fascicule of the *Hōbōgirin* (fasc. VII), s.v. 'Dairaku/Tairaku'.
[17] *MJT*, 222a.
[18] *Rokushu-kongōsatta-giki*. Although these texts are traditionally grouped together, a critical comparison of their respective structures indicates that they do not belong together in this simple fashion. For a full discussion, see my forthcoming articles, "An Example of Vajrasattva in the Sino-Japanese Tantric Buddhist Tradition", *Studies in Central and East Asian Religions*, No. 1, 1988, 67–87, and: "The Five Mysteries of Vajrasattva: A Tantric Buddhist View of the Passions and Enlightenment", *Temenos*, 24, 1988.
[19] The six texts named under the first heading here were all translated by Amoghavajra.

cycle, (2) the main cycle characteristic to the Five Mysteries. If we analyse the series of *mantras* and *mudrās* contained in these passages, matching those identical in form or similar in thematic content,[20] then our texts can be seen to fall into fairly clear-cut groups. Following this methodology, the texts under the first two headings may be grouped in the following manner:

a. T/1119, 1120A+B, 1123; 1121
-this group is the most homogeneous, the sequences of mantras and mudrās showing the most consistency.[21] Of these, however, the first half of T/1121 shows corruptions in comparison to the others.

b. T/1122
-this text's terminology is rather different from the rest of this set, though important in its own right. I shall deal with it at a later date.

c. T/1124
-part of the opening sequence of this text corresponds to those in group a above, and the second ritual group -that corresponding to the main Five Mysteries cycle—corresponds only in fits and starts.

d. T/1125
-this is one of the major Five Mysteries texts, but it contains sequences quite different in form - though not basic intent—from the group centred around T/1119. It also has a concluding section which gives a number of correspondences to various aspects of generally familiar Buddhist teachings.

As an example of the first ritual contained in these texts, we may take a look at the first section in T/1119, specifically page 509a9-24, where, *inter al.*, we are given details of the manifestation of Vajrasattva. The Bodhisattva arises from a pure lunar disc, first in the form of a five-pronged ritual Thunderbolt, and then—from the rays of light emanating from this—as Vajrasattva himself. He is adorned with jewelry and wears the familiar diadem with the Five Buddhas. Red flames girth his body and he is seated upon a white lotus, right leg on the left in the half lotus posture, each hand forming the so-called Thunderbolt Fist (*kongō-ken*, **vajra-muṣṭi*). The left fist rests on the thigh, the right is raised and held in front of the chest. With his three functions in the Thunderbolt state (*shin-gu-i-kongō*, **kāya-vāk-citta-vajra*), he utters the *mantra hūṃ*, to seal as it were this first phase in the ritual.

We have not dealt with the opening scene in detail here, but we may summarize the essential themes as follows:

[20] i.e. the specific figure or figures in the Tantric Buddhist pantheon to which the various *mantras* and *mudrās* traditionally refer. In identifying the various *mantras*, I have been greatly assisted by Hatta Yukio's *Shingon Jiten* [Mantra Dictionary], Tokyo: Hirakawa Shuppansha, 1985. The various cycles were identified by listing the numbers given to the various *mantras* by Hatta and comparing the patterns thus evinced.
[21] Partly because T/1120A+B are basically verse summaries of T/1119.

1. the point at which the ritual starts—and to which it shall return—is a state of union whose nature is absolute;

2. this realization is simultaneously the overcoming of hindrances to enlightenment and the impetus for worship;

3. the pure lunar disc is the basis for the manifestation of the deity, who:

4. by appearing first as a five-pronged ritual Thunderbolt shows the origin of his name: he is Vajrasattva because the Thunderbolt is the first perceptible differentiation which relates to him.

5. The figure five is significant insofar as it places the ritual in the Vajradhātu scheme of enlightenment, with its background in the Five Families/Divisions.

6. This of course is emphasized by the presence of the Five Buddhas in Vajrasattva's diadem (*gobutsu-hōkan*; page 509a20).

7. There is some ambiguity as to the perspective from which the ritual directions are given, a problem encountered fairly frequently in this kind of material. The reason for this is probably to be found in the theme of identifying oneself with the deity concerned. The most typical formulations in the Japanese Shingon tradition are Kukai's doctrines of *sokushin-jōbutsu* (the perfection of Buddhahood in this very body) and *nyū-ga / ga-nyū* (Buddha enters me / I enter Buddha). These may be regarded respectively as the theoretical and the practical expressions of the theme of attainment by ritual identification.

8. Finally, the use of the syllable *hūṃ* at the close of this section indicates a certain completeness at this point in the ritual. That is, the reality which is both the inspiration and the aim of the practice of the ritual—indeed of the Tantric Buddhist Path in general—has been revealed in an immediate, dynamic way, and the *bīja hūṃ* may be regarded as a kind of combined affirmation and seal of this dynamism, making the experience into a firm base for the remainder of the ritual action.[22]

We may now take a closer look at the central ritual in T/1119, as representative of the idea behind the Five Mysteries.

[22] *Hūṃ* functions in this way in countless instances in these and other rituals of the tradition we are dealing with; for more detail on the interpretation given to *hūṃ*, see Kūkai's *Unji-gi* (translation by Hakeda, Kūkai: *Major Works*, 246–51) and Amoghavajra's *Rishushaku*, T/1003: 609c10–19.

2. The Central Ritual in Taishō 1119[23]

The description begins of course with Vajrasattva, who is enthroned on a white lotus pedestal, wonderfully adorned. In front of him is the Adamantine Arrow (*Kongō-sen*), who is red in colour and holds a bow and arrow. Next, seated to the right of Vajrasattva, is Adamantine Blissful Rapture (Kongō-ki'etsu), who is white and "found embracing the samaya-body/essence". In the various depictions of this configuration, this Bodhisattva is to be seen holding Vajrasattva around the waist.[24] This directness of contact may well be the explanation for the identity of colour between this Bodhisattva and the central deity. To the rear is the Bodhisattva of Adamantine Love (*Kongō-ai*), who is blue in colour and holds the *makara* staff.[25] The significance of this is that the Bodhisattva has just as little regard for his own tastes and predilections in the task of work salvation of others as one who would deal with the *makara*-leviathan.[26] The final deity in the set is Adamantine Sovereignty of Desire (Kongō-yoku-jizai). This Bodhisattva is also known as the Bodhisattva of Pride (Kongō-man), a simpler designation, but with the same connotations. Kongō-yoku-jizai is yellow in colour and seated to the left of Vajrasattva, with both fists in the *mudrā* of the Adamantine Fist (*kongō-ken-in*, **vajramusti-mudrā*) and gazing slightly away from the Assembly.

We will now list the *mantras* in the central portion of the ritual,[27] with a short indication of their referents:

> ***jaḥ vajra-dṛṣṭi-sāyake maṭ***[28] (SJT: 233) The bīja jaḥ is related to the Bodhisattva Kongō-sen—the Bodhisattva of the Adamantine Arrow.[29] *Maṭ* = *ma* + *ṭ*, right and left eyes, sun and moon.
>
> ***hūṃ vajra-kelikilī hūṃ*** (SJT: 1896) The *bīja hūṃ* identifies the Bodhisattva Kelikilī (Adamantine Blissful Rapture, Kongō-ki'etsu, or the Bodhisattva of Touching, Kongō-soku).
>
> ***vaṃ vajriṇī-smara-rata*** (SJT: 889) The connection here is between Love (*ai*, i.e. the Bodhisattva Kongō-ai) and Recollection (*nen*, *smṛti*). We have now come to the point in the ritual where the basic data and the internal, affective response are turned outward again.
>
> ***hoḥ vajra-kāmeśvari taṃ/ṭraṃ*** (SJT: 1950) The descriptors of this

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[23] Pages 510b6–26; b27–c10; c11–25; c26–511a13.

[24] The Sanskrit equivalent of this Bodhisattva's name is Kelikilā, which has to do with touching, sporting, playing. An alternative name in the various texts and commentaries is Sokukongō-bosatsu, the Bodhisattva of Touching.

[25] Skt. *makara-dhvajaḥ*, *cf. MDJT*/V: 1076c.

[26] The staff itself stands for the mind of enlightenment (*bodai-shin*, *bodhicitta*).

[27] From page 510b16 onwards.

[28] Hatta gives the *bīja* as *maṭa*, disregarding the instruction to reduce *ṭa* to a "half sound" (*han'on*). Robert Heinemann, *Chinese-Sanskrit / Sanskrit-Chinese Dictionary of Words and Phrases as Used in Buddhist Dhāraṇī*, Tokyo: Meicho Fukyūkai, 1985, 13 and 116, gives *maṭ* as a *bīja*, but with no further explanation.

[29] *Cf.* also *sāyake*, voc. sing. of *sāyakā*, meaning "arrow, projectile".

phase of the ritual include: pride, spontaneous abiding, *karma* (in the sense of works for the benefit of sentient beings) and sovereignty (*īśvara*).

How do these various, apparently disparate, elements fit together? The basic process under consideration is Desire-Touching-Love / Enjoyment-Pride. In the identification of oneself (micro-cosmos) with the whole of the sphere of existence (macrocosmos), one awakens first the desire for enlightenment for oneself and for all sentient beings. When this is successfully accomplished, one touches upon the bliss of enlightenment. Through involvement with the practices which behove the Bodhisattva one comes to experience this bliss in its full depth. Having reached the ultimate point of introspection, the Bodhisattva turns outward and uses this merit for the benefit of all sentient beings. It is at this point that the elements of pride, naturalness/sovereignty and subjugation come into play. Finally, this point may also be said to complete the circle, in that the Bodhisattva returns to sentient existence, but with a radically altered perspective on the Vow with which he began. It is here too that we are reminded that however far history may have gone in the development of Tantric thought, we still find ourselves on the firm ground of the Perfection of Wisdom:

> "Countless beings should I lead to Nirvana and yet there are none who lead to Nirvana, nor any who should be led to it.' However many beings he may lead to Nirvana, yet there is not any being that has been led to Nirvana, nor that has led others to it. For such is the true nature of dharmas, seeing that their nature is illusory."[30]

There now follows a description of the divinities surrounding the central Assembly.

The Inner Worshipping Deities, who occupy the four corners, are explained.[31] These are:

Kongō-myōtekietsu: Flower (pure white worship?)
he vajra-rati (SJT: 1937)

Kongō-tekietsushô: Burning Incense (black)
mahā-rata-vajri hoḥ (SJT: 765)

Kongô-gen: Lamp (red)
vajra-locane (SJT: 1273)

Kongō-daikichijō: Smearing Unguent (yellow)
mahā-śrī-vajri he[32] (SJT: 778)

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[30] *Aṣṭasahasrikā-Prajñāpāramitā*, I. 20
[31] 510b27–cl0
[32] Hatta gives **hoḥ*, which in fact only appears in T/1120B, though in the same relative position.

The Outer Worshipping Deities, who occupy the corners of the outer circle, are all pure gold in colour.

Kongō-kike (Vajra-lāsī): Joy[33]
he rati-vajra-vilāsini traṭ (SJT: 1934)

Kongō-shô: Smile/Laugh
he rati-vajra-hāse ha ha (SJT: 1935)

Kongō-ka: Song
he rati-vajra-gīte te te (SJT: 1932)

Kongō-bu: Dance
he rati-vajra-nṛte bepa bepa (SJT: 1933)

The next section[34] deals with the Four Portal Deities:

Kongō-kō: to the front; blue
vajrāśkuśa jaḥ (SJT: 1425)

Kongō-saku: to the right; yellow
vajra-pāśa hūṃ (SJT: 1134)

Kongō-sa: to the rear; red
vajra-śṛśkhale vaṃ (SJT: 1312)

Kongō-kin: to the left; green
vajra-ghaṇṭe hoḥ (SJT: 996)

The text[35] now describes these sixteen deities as reverently gazing upon Vajrasattva with the Eye of Rapture (*teki'etsu-moku*), each has the diadem of the Five Buddhas to show its basic affiliation and resides on a lunar disc, the various adornments and attire in accord with the relevant colour as described in the preceding sections. This ritual unit is then rounded off with the Seal of the Adamantine Esoteric / Mysterious Pledge (*kongō-himitsu-sanmaya-in*), and the familiar mantra in praise of Vajrasattva: *suratastvam* (SJT: 1776).

The remainder[36] of the ritual consists of supplementary contemplations and acts, where the ritual identity of the practitioner and Vajrasattva is confirmed and, so to speak, sealed. The ceremony is completed by returning the deities evoked to their respective abodes, using the appropriate *mudrā* and *mantra*.[37]

[33] *Cf. MDJT*/II: 671b.
[34] 510c26–511al0.
[35] 511a11–13.
[36] 512b28 c12.
[37] The remaining section of the text (512c13–513b22) gives an essential résumé of the whole ritual, and as such need not detain us here. The sequence of *mantras* is that of the first part of the ritual, though it omits the cardinal sequence SJT: 1430-1146-1147-1466-1186.

3. A Different Form of Vajrasattva

Although the *maṇḍala* implicit in the above ritual is similar to those already seen in the first part of this paper, the most interesting configuration I have found is that connected with the final chapter of the *Rishukyō*, the Dharma Gate of the Profound Mystery. This omits the secondary Bodhisattvas and consorts and merely depicts Vajrasattva and the four principal Bodhisattvas—in their female forms—seated together on a single lotus, against the background of a single lunar disc.

This teaching concerning Vajrasattva as a unitary summation of all the virtues which arise on the Path is found in the final section of T/1125, but is common to the literature surrounding the Five Mysteries. The depiction of the relative deities together on the same lotus dais, representing the integrated functions of the enlightened one, is, however, peculiar to T/1125, the final chapter of the *Rishukyō* and to T/1003.[38] This fourfold body as a whole (i.e. all the virtues of Adamantine Desire etc., combined) is Vajrasattva.[39] The teaching of T/1125 on this point is very much in line with the commentarial tradition we are dealing with, and could almost be a quotation from *Rishushaku* (T/1003): the five Bodhisattvas together on the same lotus dais has the meaning of Liberation through Great Compassion (*daihi-gedatsu*), whilst the lunar disc indicates Great Wisdom (*daichi*). Because of the latter, the Bodhisattva remains untainted whilst in birth and death, because of the former he refrains from entry into *nirvāṇa*.[40]

The explanation of this configuration goes further, saying that whereas the material relating to the Epithets of Purity is a statement of that reality which is to be attained through Bodhisattva practice, the Five Mysteries represent the enlightened Bodhisattva who has successfully mastered the practice and who thus abides constantly in *samādhi*. *Samādhi* is regarded as female—being that which is entered—while Vajrasattva, the Adamantine Mind intent on enlightenment, is that which enters. The image of union and integrated harmony which this special *maṇḍala* represents is thus in full keeping with the thinking behind Buddhist Tantric practice as we know it from the Indo-Tibetan sources.

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[38] T/1003: 617alff (in Amoghavajra's commentary on the final chapter of the *Rishukyō*) gives the most explicit indications in this connection.

[39] T.1125: 538b29f. In fact, the text goes on to encompass the four Tathāgatas and their Bodhisattvas (T.1125: 538c2–16), and eventually covers the whole of the Central Assembly of the Vajradhātu-maṇḍala, with its thirty-seven Divinities. We thus have a strong reminder of the basic affiliation of the Five Mysteries cycle, a reminder which is also to be found in the other major text in this group, T/1119 (it will be remembered that the preliminary ritual follows the standard conventions of the *Vajradhātu* divinities (T/1119: 509c24–510b7)).

[40] T.1125: 538c27ff. A point of note in this connection is that following on from this (T.1125: 539a4–19) we find a passage that consists of material found *verbatim* in the Hundred Character Verse of the *Rishukyō* (T/243: 786a18–27, a verse summary of the Five Mysteries teachings), along with short explanations of selected lines.